

# ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA



## FEASIBILITY STUDY

### VOLUME 4

### PUBLIC VIEWS AND RESPONSES



US Army Corps  
of Engineers  
MISSISSIPPI RIVER COMMISSION  
New Orleans District

JANUARY 1982

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## VOLUME 1

MAIN REPORT AND FINAL ENVIRONMENTAL IMPACT STATEMENT

## VOLUME 2

APPENDIX A - PROBLEM IDENTIFICATION

APPENDIX B - FORMULATION, ASSESSMENT, AND EVALUATION OF DETAILED PLANS

APPENDIX C - ENGINEERING INVESTIGATIONS

APPENDIX D - ECONOMICS

## VOLUME 3

APPENDIX E - SOCIAL AND CULTURAL RESOURCES

APPENDIX F - RECREATION RESOURCES

APPENDIX G - FISH AND WILDLIFE DATA

APPENDIX H - ENDANGERED SPECIES ASSESSMENT

APPENDIX I - US FISH & WILDLIFE SERVICE COORDINATION ACT REPORT

## VOLUME 4

APPENDIX J - PUBLIC VIEWS AND RESPONSES

## APPENDIX J

### PUBLIC VIEWS AND RESPONSES

TABLE OF CONTENTS

<u>Item</u>	<u>Page</u>
<b>SECTION 1 PUBLIC INVOLVEMENT PROGRAM HISTORY</b>	<b>J -3</b>
BACKGROUND	J -3
REQUIRED COORDINATION	J -4
STATEMENT RECIPIENTS	J -4
VIEWS INFLUENCING THE TENTATIVELY SELECTED PLAN	J -10
VIEWS EXPRESSED ON THE TENTATIVELY SELECTED PLAN THAT INFLUENCED THE RECOMMENDED PLAN	J -11
PUBLIC MEETINGS	J -11
COMMENTS ON DRAFT EIS (DEIS)	J -13
FLOWS AT THE OLD RIVER STRUCTURE	J -13
MANAGEMENT UNITS	J -14
AVOCA ISLAND LEVEE EXTENSION	J -14
DELTA DEVELOPMENT	J -15
SEDIMENT TRAPS	J -15
CHANNEL TRAINING BELOW MORGAN CITY	J -16
REAL ESTATE FEATURES	J -16
SIMULTANEOUS IMPLEMENTATION OF FEATURES	J -17
MANAGEMENT ENTITY	J -17
OTHER COMMENTS ON DEIS	J -17
WRITTEN COMMENTS - JULY 1981 PUBLIC MEETINGS	J -18
FLOOD CONTROL FEATURES	J -18
FLOWS AT OLD RIVER CONTROL STRUCTURE	J -18



TABLE OF CONTENTS (CONTINUED)

<u>Item</u>	<u>Page</u>
MANAGEMENT UNITS	J -19
FRESHWATER DIVERSION STRUCTURES	J -19
AVOCA ISLAND LEVEE EXTENSION	J -19
REAL ESTATE	J -20
TIMING OF IMPLEMENTATION	J -20
IMPACT OF PUBLIC INVOLVEMENT	J -20
 <b>SECTION 2 - EIS COMMENTS AND RESPONSES</b>	 J -21
 ADVISORY COUNCIL ON HISTORIC PRESERVATION	 J -22
US DEPARTMENT OF AGRICULTURE - FOREST SERVICE	J -24
US DEPARTMENT OF COMMERCE - GENERAL COUNSEL	J -26
US DEPARTMENT OF COMMERCE - NATIONAL MARINE FISHERIES SERVICE	J -37
US DEPARTMENT OF COMMERCE - NATIONAL OCEAN/SURVEY	J -41
US DEPARTMENT OF HEALTH AND HUMAN SERVICES - PUBLIC HEALTH SERVICE -CENTER FOR DISEASE CONTROL	J -42
US DEPARTMENT OF HEALTH AND HUMAN SERVICES - PUBLIC HEALTH SERVICE - REGIONAL OFFICE VI	J -43
US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT - FORT WORTH REGIONAL OFFICE	J -44
US DEPARTMENT OF INTERIOR - OFFICE OF THE SECRETARY	J -45
US DEPARTMENT OF TRANSPORTATION - FEDERAL HIGHWAY ADMINISTRATION	J -67
US DEPARTMENT OF TRANSPORTATION - US COAST GUARD	J -68

TABLE OF CONTENTS (CONTINUED)

<u>Item</u>	<u>Page</u>
GULF OF MEXICO FISHERY MANAGEMENT COUNCIL	J-79
STATE OF LOUISIANA - DEPARTMENT OF NATURAL RESOURCES - OFFICE OF ENVIRONMENTAL AFFAIRS	J-81
STATE OF LOUISIANA - DEPARTMENT OF NATURAL RESOURCES - OFFICE OF FORESTRY	J-82
TERREBONNE PARISH POLICE JURY	J-89
SEWERAGE AND WATER BOARD OF NEW ORLEANS	J-94
ATCHAFALAYA LAND CORPORATION	J-95
THE LOUISIANA LAND AND EXPLORATION COMPANY	J-107
MID-CONTINENT OIL AND GAS ASSOCIATION	J-110
SCHIFF HARDIN AND WAITE	J-113
TENNECO OIL EXPLORATION AND PRODUCTION	J-117
TEXACO PETROLEUM PRODUCTS	J-119
WILDLIFE MANAGEMENT INSTITUTE	J-128
DONALD S. GARDNER, JR.	J-133
B. W. HALLMON	J-139
 <b>SECTION 3 - TYPICAL COMMENTS FROM SPECIAL INTERESTS AND INDIVIDUALS</b>	 J-145

# Appendix J

## PUBLIC VIEWS AND RESPONSES

J.O.1. This appendix describes the public involvement activities of the study effort and emphasizes those events which influenced the outcome. The presentation recreates the evolution of the long history of public participation which has resulted because of the nature of the project and the diversity of the special interests affected. It also displays pertinent correspondence on the Environmental Impact Statement (EIS) and the responses to those comments. Comment letters received after the public meetings were numerous. Many were form letters and dealt with specific plan features. Typical letters are exhibited to illustrate the nature of the reaction to the Tentatively Selected Plan.

# Section 1 - PUBLIC INVOLVEMENT PROGRAM HISTORY

## Background

J.1.1. Prior to 1975, in the early stages of planning, 13 formal public meetings were held at various locations from Monroe to Morgan City to determine the desires of local interests. As a result, numerous requests were received for completion of the authorized flood control project and for preservation of fish, wildlife, and recreation resources. In 1972, a Steering Group, comprised of representatives from the National Wildlife Federation, the Louisiana Department of Public Works, the Louisiana Department of Wildlife and Fisheries, the US Department of the Interior, the US Environmental Protection Agency (US EPA), and the Louisiana State University, School of Environmental Design, was created to aid the US Army Corps of Engineers in preparing an EIS. This group was active until 1976. A preliminary draft EIS, covering the previously authorized plan, was made public in November 1974, and a public meeting was held in January 1975. Concern was expressed that the plan was inadequate and would not protect Morgan City and other communities located at the lower end of the floodway system from flooding. Many people felt that the plan was lacking in methods to preserve environmental values in the floodway. In response, the Steering Group developed a multipurpose concept for the basin. Concurrently, in April 1974, an Agency Management Group, chaired by the US Army Corps of Engineers and including the US EPA, the US Fish and Wildlife Service (US FWS) and the State of Louisiana, was formed to manage studies for development of a multipurpose plan for the basin. In 1976, studies of the authorized plan and preparation of an EIS were combined with Agency Management Group studies so that a comprehensive multipurpose plan for the basin could be developed. In late 1978, the Agency Management Group developed 10 multipurpose alternative plans that were subsequently presented at a series of five public meetings in January 1979. These meetings attracted more than 5,000 people and approximately 25,000 comments were submitted. Primary focus of the comments was a plan developed independently and publicized during the meetings by the US FWS to purchase all of the private land in the Lower Atchafalaya Basin Floodway. That plan resulted in polarizing public comments in two major interest groups, landowners versus environmentalists, and as a result, little substantive comment was voiced on other features of the alternative plans. In 1980, representatives from environmental organizations, hunting clubs, the oil and gas industry, the League of Women Voters, landowner organizations, sport fishing clubs, commercial fishing groups, agricultural interests, timber interests, and minority

groups were invited and attended Agency Management Group meetings so that they could keep their respective constituents informed on the status of planning efforts. During 1979 and 1980, three meetings to review the status of the project were held in Washington, DC, with national level representatives of the Agency Management Group and other interested Federal agencies, national officers of environmental and other groups, and officials of the State of Louisiana.

J.1.2. In July 1981, a series of five public meetings was held to discuss the Tentatively Selected Plan, presented to the public in the draft report/EIS. These meetings attracted more than 1,100 people, and about 4,000 written responses were subsequently received. Oral comments made during these meetings, and the written comments received afterwards centered upon the proposed real estate feature of the Tentatively Selected Plan.

## Required Coordination

J.1.3. Circulation of the draft EIS accomplished the required coordination with the appropriate state, regional, and metropolitan Office of Management and Budget Circular A95 Clearinghouses, as provided under Executive Order 11988 (Floodplain Management); the Heritage Conservation and Recreation Service (HCRS) or their successor, and State Historic Preservation Officer, as provided under the National Historic Preservation Act; and the HCRS and National Park Service, as provided under the Federal Water Project Recreation Act. Circulation to the list of agencies, groups, and individuals mentioned in the following paragraph satisfied requirements of the National Environmental Policy Act. The participating state and Federal agencies and other interests, such as landowners, hunting clubs, and the environmental groups, are expected to continue an active role in this study.

## Statement Recipients

J.1.4. All members of the congress and Federal and state agencies and environmental groups listed in the EIS were furnished copies of the draft main report/EIS (Volume 1). Each was also furnished Technical Appendixes (Volumes 2, 3, and 4) of the report as were applicable to their respective field(s) of expertise. All others listed in the EIS received copies of Volume 1.

J.l.5. In addition, the following listed agencies, groups and individuals requested and were furnished copies of the draft report/EIS and/or appendixes.

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## Views Influencing The Tentatively Selected Plan

J.1.6. The first part of this section discusses the public views that influenced the Tentatively Selected (TS) Plan presented in the draft Feasibility Report/EIS and at the July 1981 public meetings. The remaining portion presents opinions stated at those meetings, opinions addressed in letters commenting on the draft EIS, and those expressed in about 4,000 letters included in the public record of the meetings.

J.1.7. Two major public views heavily influenced selection of the TS Plan. These were concern about flood control and environmental issues. The public is profoundly concerned about flood control and desires a plan that will safely pass the project flood and protect southeastern Louisiana from Mississippi River flooding. Inhabitants of Morgan City, who live at the lower end of the floodway, have consistently stated that it is vitally important to increase the capacity of the outlets to allow floodwaters to reach the gulf without damaging Morgan City. People to the east and northeast of Morgan City desire protection from backwater flooding, a problem that will become increasingly severe in the future. All these views were incorporated into the decision-making process by providing plan features in the TS Plan for channel training, levee raising, sediment control, increase in outlet capacity, widening of Wax Lake Outlet overbank, channel training below Morgan City, and construction of the 14,000-foot extension of the Avoca Island levee.

J.1.8. The other major concern has been expressed by the environmental community who desires preservation of fish and wildlife resources, public access into the Lower Atchafalaya Basin Floodway, and recreational facilities. Numerous features of the TS Plan, such as nondevelopmental flood control easements, environmental easements that would prevent forest clearing throughout the entire Lower Atchafalaya Basin Floodway, public access to more than 105,000 acres of the Lower Atchafalaya Basin Floodway, management units, and sediment control, addressed these concerns.

J.1.9. Another matter of major public concern was the proposal of the US FWS to purchase the Lower Atchafalaya Basin Floodway in fee. This proposal created a dispute of exceptional magnitude with the basin landowners and hunting club members opposing the environmental groups. After extensive study, the outcome was the above-described real estate interests of the TS Plan.

J.1.10. Various interest groups have expressed a desire to vary operation of the Old River control structure slightly during May, June, and July. Farmers in the Red River backwater area would benefit some years from a reduction in flow into the Atchafalaya River so that stages would not rise above 45 feet at Acme. The US FWS would like to see flows increased some years in order to benefit fishery resources in the lower floodway. This concern was recognized in project planning and short term changes in flow distribution were proposed when such changes could be accomplished without adversely impacting other resource uses.

J.1.11. While maximizing public access was a study objective, it was a concern of the public that this objective is not altogether compatible with preservation of fish and wildlife resources and esthetics.

## Views Expressed On The TS Plan That Influenced The Recommended Plan

### **PUBLIC MEETINGS**

J.1.12. Baton Rouge. The first of the five public meetings was held in Baton Rouge 15 July 1981. Some 343 people attended; 40 gave statements. The trend of the meeting was set quickly as about half of the speakers were in favor of public access easements, especially greenbelts, and the other half opposed any expropriation of land for recreational purposes. Statements were made for and against management units, opposition was voiced about the Avoca Island levee extension, and other project features were mentioned, but the major subject of discussion was the real estate plan.

J.1.13. Morgan City. The meeting held in Morgan City on 16 July 1981, had 241 people in attendance, 34 of whom presented statements. The primary topics of interest were real estate and the Avoca Island levee extension. Two local mayors and one state representative spoke in favor of quick completion of the levee while two officials from Terrebonne Parish and numerous individuals opposed the extension on environmental grounds. Several landowners voiced opposition to expropriation of private property and greenbelts and favored a substitute plan proposed and publicized in the news media by the Louisiana Landowners Association, Inc. (LLA). A few members of the environmental community spoke in favor of the proposed multipurpose easement, including greenbelts.

J.1.14. Lafayette. This meeting was held on 18 July 1981. Approximately 243 people attended and 54 presented statements. The speakers were nearly evenly divided between those opposing expropriation of private land, and in favor of the LLA proposal and those who favored the real estate plan feature presented in the TS Plan. Management units were also discussed, with some speakers expressing opposition and others favoring them.

J.1.15. Jonesville. This meeting, held 20 July 1981, attracted 65 people, and 13 statements were made. The theme of most speakers at this meeting was control of latitude flows between the Mississippi and Atchafalaya Rivers at the Old River control structure. Some individuals and groups, representing agricultural interests, were in favor of decreasing flows during May, June, and July to provide flooding relief to farmers in the Red River backwater area. Representatives of conservation and environmental groups favored maintenance of the existing 70/30 division of flows at Old River.

J.1.16. New Orleans. The last meeting was held on 22 July 1981 in New Orleans, Louisiana. The greatest number of speakers (77) commented on the TS Plan, whereas, only 216 people were in attendance. Environmental interests were heavily represented and generally favored all elements of the TS Plan except the Avoca Island levee extension and reduction of flows into the Atchafalaya River at Old River. Basin landowners were almost equally well represented and all were against expropriation of private property, especially for greenbelts. Most were in favor of the LLA substitute plan for public access. Management units also received some attention with environmental interests being in favor of them and a few landowners registering opposition.

J.1.17. In summary, the five meetings attracted more than 1,100 people of whom 218 made statements. Table J-1-1 delineates the Public Meeting Attendance Summary. Concerns over the real estate plan and extension of the Avoca Island levee were the major opinions expressed.



TABLE J-1-1  
PUBLIC MEETING ATTENDANCE SUMMARY

DATE 1981	LOCATION	NUMBER OF SPEAKERS	TOTAL NUMBER OF ATTENDEES
July 15	Baton Rouge, Louisiana	40	343
July 16	Morgan City, Louisiana	34	241
July 18	Lafayette, Louisiana	54	243
July 20	Jonesville, Louisiana	13	65
July 22	New Orleans, Louisiana	77	216
TOTALS		218	1108

## Comments On Draft EIS (DEIS)

J.1.18. Twenty-six letters were received, specifically commenting on the DEIS. Most of this correspondence expressed opinions on the TS Plan, while other letters expressed concern over data gaps in the DEIS. These comments are discussed below as they relate to each major feature of this plan.

### FLOWS AT THE OLD RIVER CONTROL STRUCTURE

J.1.19. The US FWS, US EPA and Mr. B. W. Hallmon requested that the Recommended Plan not include a reduction of flows at Old River control structure to hold 45 feet at Acme, Louisiana, during May, June, and July in order to aid agricultural interests. They requested that flows be increased, when possible, to aid fishery interests in the basin. The Sewerage and Water Board of New Orleans requested that a minimum flow of 150,000 cubic feet per second be maintained at the Mississippi River passes, regardless of flows at Old River. Subsequent to the publication of the DEIS, further analysis was made of the possible short term flow variation at Old River. If only a decrease in flows into the Atchafalaya River occurred, then there would be substantial environmental losses in both the Red River backwater area and in the Lower Atchafalaya Basin Floodway. Induced clearing of approximately 1,000 acres of bottomland hardwoods in the backwater area would occur. Fishery productivity in several areas would be significantly decreased for the following reasons: increased



agricultural pollution and significantly reduced water exchange in the backwater area; elimination of overbank flooding on 77,000 acres of forest and swamp in the floodway; and reduction of freshwater, sediment, and nutrient input into the Atchafalaya Bay delta-Terrebonne Parish marsh complex. On the other hand, it is not feasible to increase flows significantly to the Atchafalaya River to benefit fishery resources in the Lower Atchafalaya Basin Floodway because this could enhance the possibility of capture of the Mississippi River by the Atchafalaya River. Thus, increasing flows are not practicable and decreasing flows is not only environmentally unacceptable, but only marginally necessary, since approximately half of the benefits that would be realized from decreasing flow would be generated within areas of the Red River backwater area for which authorized ring levees are planned. Accordingly, this alternative was not included in the Recommended Plan. The maintenance of the authorized 70/30 distribution of flows is recommended instead.

#### **MANAGEMENT UNITS**

J.1.20. The US FWS, US EPA, Wildlife Management Institute, and Mr. Hallmon requested that all 13 management units be implemented. Mr. Gardner was opposed to construction of any management units. Mid-Continent Oil and Gas Association was concerned about the lack of specific detail on management units and about the unit's impact on the oil and gas industry. Texaco, Incorporated, indicated that units would create access and operational problems. The US Coast Guard requested that consideration be given to the input from oil companies, commercial fishermen, and recreational boaters prior to finalizing plans for management units. These comments have been considered and implementation of the two pilot units that the Recommended Plan includes is the best procedure to follow due to uncertainty over impacts of the units. The two pilot units would be built, monitored and evaluated by the US Army Corps of Engineers in conjunction with the state and other cooperating Federal agencies. This group would recommend implementation of additional units should results indicate practicability and adequate benefits. Input from the oil and gas industry, fishermen, and boaters would also be considered. This procedure would not preclude eventual construction of all 13 units.

#### **AVOCA ISLAND LEVEE EXTENSION**

J.1.21. The US FWS, US EPA, National Marine Fisheries Service, Gulf of Mexico Fisheries Management Council, Louisiana Land and Exploration Company, Wildlife Management Institute, and Mr. Hallmon all objected to inclusion of the Avoca Island levee extension in the plan. Mr. Gardner was in favor of the levee extension. The opposition

centered on potential loss of environmental values in the Terrebonne Parish marshes and on uncertainty concerning impacts of the proposed extension. These concerns, coupled with reduced flooding projections resulting from further investigation of engineering data considering the effect of widening of the Wax Lake Outlet overbank area and other project features, but excluding extension of the Avoca Island levee, have led to a delay in implementation of the extension of the levee and/or other measures until completion of additional studies. Detailed studies would be completed by 1985 and a supplemental EIS would be prepared.

## **DELTA DEVELOPMENT**

J.1.22. The National Marine Fisheries Service, US FWS, US EPA, and Mr. Hallmon all desired commitment to a plan that would maximize delta formation in Atchafalaya Bay. They generally favored waiting until the delta model and delta management studies are completed before varying the percentage of flows at the outlets from the floodway. The Recommended Plan proposes that the present 70/30 Lower Atchafalaya River/Wax Lake Outlet distribution of flows be stabilized and that delta growth and marsh deterioration be monitored. By that time the delta model would be usable. If it is not found necessary to further restrict flows to 80/20 and if it is desirable, sediment could be redistributed to Wax Lake Outlet at that time. On the other hand, if it appeared environmentally beneficial, flows could be restricted to 80/20; then, due to engineering constraints, no increase in sediment transport to Wax Lake Outlet would be possible.

## **SEDIMENT TRAPS**

J.1.23. The US FWS, US EPA, and Mr. Hallmon requested that further study be conducted on the use of sediment traps. Unfortunately, sediment traps would actually do little to reduce the amount of sediment entering the backswamps, since they would tend to fill with sand-sizes particles which normally are deposited on existing natural levees and not in the backswamps proper. These traps would need to be dredged annually, and over the life of the project, 3,000 acres of forestland would be destroyed from dredged material disposal. Thus, sediment traps were not included in the Recommended Plan. The US EPA claims significant sediment control benefits for management units. However, analysis indicated that such units would do little to reduce sedimentation in the basin.

## **CHANNEL TRAINING BELOW MORGAN CITY**

J.1.24. The US EPA and Mr. Hallmon stated that they opposed channel training below Morgan City claiming it was unnecessary. The US FWS reserved judgment on this matter. It has been retained in the Recommended Plan because it provides the lowest flowline and, therefore, makes the levee raising feature less costly.

## **REAL ESTATE FEATURES**

J.1.25. The real estate feature of the Tentatively Selected Plan received a great deal of attention in the EIS review. The Atchafalaya Land Corporation opposed any real estate purchases in the basin for recreational interests. Mid-Continent Oil and Gas Association opposed any easement that controlled excavation and fill and wanted future access rights to be assured. Schiff, Hardin, and Waite were concerned about the impacts of the TS Plan on a client's tree farm in St. Landry Parish. Texaco, Incorporated, was opposed to the greenbelts because of problems with liability, trespass, and upkeep. Mr. Gardner opposed expropriation of private lands for recreation, greenbelts, and any restrictions on land clearing. The US EPA supported the TS Plan real estate feature. The US FWS was concerned that the TS Plan would allow the Corps to set up a "permit" program, which would allow land use changes and that Section 404 of the Clean Water Act would not protect wetlands. They also opposed separation of benefits attributable to recreation and land use controls. Mr. Hallmon favored fee title purchase of 443,000 acres of basin lands.

J.1.26. Just prior to and during the public meetings of July 1981, the Louisiana Landowners Association publicized a real estate proposal that consisted of fee purchase of approximately 40,000 to 50,000 acres in the basin from willing sellers, a 30,000-acre donation from the Dow Chemical Company for public access, and retained comprehensive multipurpose easements for flood control and environmental protection as proposed in the TS Plan.

J.1.27. Subsequent to the meetings, major interests (landowners, national and local environmental groups, and the state) met and agreed on a new real estate proposal. The key elements of the new proposal were a recommendation for the elimination of greenbelts and substitution of state-acquired land for public access easements, and a recommendation to tighten provisions of the comprehensive multipurpose easement to prohibit land use conversion. The Dow land donation to the state of over 40,000 acres in and around the lower floodway and purchase of 40,000-50,000 acres from willing sellers would replace the access and timber control easements proposed in the TS Plan. Governor Treen announced this new proposal at a press conference on 19 November 1981. This substitute proposal has generally been adopted in the Recommended Plan.

## **SIMULTANEOUS IMPLEMENTATION OF FEATURES**

J.1.28. Most flood control features of the plan have been previously authorized, so it is possible to proceed with implementing these features without further congressional approval. However, few of the environmental features are authorized and so would need congressional authorization prior to construction. The US FWS, US EPA, and Mr. Hallmon requested that an effort be made to simultaneously implement the flood control and environmental features so that the entire plan would be kept intact throughout authorization and funding. The validity of this concern is recognized, but it is unwise to allow the flood threat to southern Louisiana to continue any longer than necessary. The responsibility of the Corps is limited to recommending feasible solutions to the problems facing the Atchafalaya Basin; whereas, authorization of the plan features to be implemented, if any, is at the discretion of the US Congress.

## **MANAGEMENT ENTITY**

J.1.29. The US FWS, US EPA, and Mr. Hallmon all favored a state/Federal management entity to oversee the management of the basin. This entity was envisioned as including the US FWS and US EPA. The Recommended Plan calls for a management entity composed of the Corps of Engineers and appropriate state agencies. Since both of these agencies employ multidisciplinary staffs, they have expertise that is more than adequate to manage all aspects of the basin. Thus, there would be little gained by involving additional Federal agencies.

## **Other Comments On DEIS**

J.1.30. Comments by other agencies on the EIS are summarized in this paragraph. The Advisory Council on Historic Preservation desired a formal request from the Corps for Council comment. The National Ocean Survey requested that they be notified of any activity that would disturb or destroy geodetic control survey movements. The National Weather Service requested that the areas of disagreement discussed by the FWS and EPA be investigated in greater detail. The Centers for Disease Control requested that the project features not increase vector populations and that the vector problem be addressed in the EIS. The Federal Highway Administration requested that allowances be made for upgrading and expanding the highway system in the basin, when necessary. The US Forest Service was apprehensive that clearcutting could be interpreted as conversion to other land uses and requested additional information on timber and the impacts thereon be included

in the final EIS. The State of Louisiana Office of Forestry also requested that such data be included in the final EIS. They also stated that clearcutting is the best method of regenerating cypress and expressed a desire to perpetuate the present forested diversity in the floodway. All these comments have been addressed to in the final EIS.

## Written Comments -

### July 1981 Public Meetings

J.1.31. The distribution of the draft report/EIS and the July 1981 public meetings caused an outpouring of responses to various facets of the TS Plan. Many form letters were received and numerous individuals wrote personal letters expressing their concern about various project features. Some of these letters expressed views that caused a reevaluation of and changes to certain Tentatively Selected Plan features. The role that the letters played in the development of the Recommended Plan is described below.

#### **FLOOD CONTROL FEATURES**

J.1.32. An analysis of the correspondence indicated that nearly all respondents were in favor of flood control. Virtually no adverse mention was made of features such as levee raising, bank stabilization, or widening of the Wax Lake Outlet. Channel training above Morgan City was favorably mentioned a few times and had very little opposition. Numerous people saw distributary realignments as a positive method of flood control. Several letters suggested that sediment traps be reconsidered. For the reasons given in paragraph J.1.23., that feature was not added to the Recommended Plan. Very few letters stated any opinion on the TS Plan proposal for distribution of flows at the outlets of the floodway, but several people expressed the desire that natural delta formation be encouraged. It is possible that the Recommended Plan could accommodate this view.

#### **FLOWS AT OLD RIVER CONTROL STRUCTURE**

J.1.33. Several letters and a petition stated opinions on the alternative to decrease the flows into the Atchafalaya River at Old River control structure some years and to increase flows other years. Agricultural interests and landowners were generally in favor of the portion of the alternative that proposed decreasing flows for short periods during May, June, and July, while environmental



interests favored the portion of the alternative that would increase flows for short periods in the same months down the Atchafalaya River. Others favored maintaining a strict 70/30 distribution. For the reasons discussed previously, the Recommended Plan calls for maintaining the authorized 70/30 distribution at Old River.

#### **MANAGEMENT UNITS**

J.1.34. Management units received considerable attention in the correspondence. A few letters, mostly from affected landowners who were justifiably concerned about the possibility of damage to their timber, opposed management units. Numerous letters proposed that all 13 units be authorized and implemented. As described previously, the pilot units proposed by the Tentatively Selected Plan would be the most responsible approach to determine the feasibility of implementing additional units.

#### **FRESHWATER DIVERSION STRUCTURES**

J.1.35. Very few people expressed opposition to implementing the previously authorized freshwater diversion structures. However, many local residents and users of Bayou Courtableau opposed using that bayou as the location for one of the structures. Local residents and cooperating agencies have tentatively identified Big Bayou Graw as a better site for the structure. Preliminary investigations indicate that the site is probably more acceptable. The circulation improvements proposed in the TS Plan received no opposition and were retained in the Recommended Plan.

#### **AVOCA ISLAND LEVEE EXTENSION**

J.1.36. Numerous comments were received on the extension of the Avoca Island levee. Individuals, corporations, environmental groups, the Terrebonne Parish School Board, and the Terrebonne Parish Police Jury all expressed opposition to the extension while one corporation in the backwater area was in favor of the levee because they felt it would reduce flooding of their timber. For reasons stated earlier and in the final EIS and appendixes, implementation of the backwater protection alternative has been delayed pending completion of additional studies.

## **REAL ESTATE**

J.1.37. The bulk of the comments on the TS Plan concerned the real estate features. The comprehensive multipurpose easements for environmental and flood control purposes received wide support. On the other hand, numerous letters opposed any expropriation of private lands and favored private ownership. Many of these writers preferred the LLA proposal publicized during the July 1981 public meetings. The specific real estate concept that drew the most attention was the proposed public access easements for establishing greenbelts. They were opposed because individuals felt that they would take rights to the higher ridge land from an owner, would increase poaching and trespassing onto adjacent land, would attract litter, and would leave the owner liable for personal injury suits. Environmental groups and others were in favor of the 1980 State of Louisiana plan and many expressly supported the greenbelt concept. As described earlier, a new proposal that addresses many of the above concerns about greenbelts, expropriation, and public access has been agreed upon by major public and private interests, accepted by the State of Louisiana and is generally included in the Recommended Plan.

## **TIMING OF IMPLEMENTATION**

J.1.38. Several letters were received concerning the timing of implementation of various features of the TS Plan. The environmental community was in favor of simultaneous implementation because of a feeling that the flood control features would be built while the environmentally beneficial features may never be authorized by a budget-conscious Congress.

## **Impact Of Public Involvement**

J.1.39. The public views expressed on the TS Plan resulted in subsequent studies and reevaluations of several features and changes to the features included in the final Recommended Plan. The resultant recommendations are: that the flow at Old River be maintained at the existing 70/30 authorized operation; that a substitute real estate plan feature, apparently favored by all major interests, be included; and that implementation of further extensions of the Avoca Island levee and/or other structural and nonstructural features associated with backwater protection east of the floodway be delayed pending completion of additional engineering and biological studies of the bay-marsh complex.



## Section 2 - EIS COMMENTS AND RESPONSES

J.2.1. Pertinent correspondence and the responses of the US Army Corps of Engineers are presented in this section. For the convenience of the reader, letters and responses are displayed on the same page where practicable.

# Advisory Council On Historic Preservation

1522 K Street, NW  
Washington, DC 20005

Reply to:

Lake Plaza South, Suite 616  
44 Union Boulevard  
Lakewood, CO 80228

July 10, 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
Department of the Army  
New Orleans District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

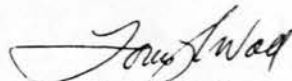
This is in response to your request of June 22, 1981, for comments on the draft environmental statement (DES) for the proposed Atchafalaya Basin Floodway System, Louisiana.

Pursuant to its responsibilities under Section 102(2)(C) of the National Environmental Policy Act of 1969, the Council has determined that this DES does not demonstrate compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended, 90 Stat. 1320). However, it is clear from the excellent Social and Cultural Resources, Appendix E summary, and especially the commitments made on pp. E-39, 113, and 125, that the Corps understands its responsibilities and will carry them out in a timely manner.

Our regulations call for consultation to conclude the Council's comments to take place wherever feasible between issuance of the DES and conclusion of the FES (see 36 CFR 800.9(d) and (e)). This makes for an orderly process assuring that issues raised during public review of the DES are considered, as appropriate, during Council review. Accordingly, we look forward to receiving a formal request for Council comment pursuant to Section 106 in the near future, and anticipate completion of the consultation process so the Council's comment can be included in the FES.

Should you have questions or require assistance, please call Jane King of the Council's Western Division at (303) 234-4946, an FTS number.

Sincerely,



Louis S. Wall  
Chief, Western Division  
of Project Review



RESPONSE 1.1:

IN REPLY REFER TO  
LMNPD-RC

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160

11 December 1981

Mr. Louis S. Wall  
Chief, Western Division of Project Review  
Lake Plaza South, Suite 616  
44 Union Boulevard  
Lakewood, CO 80228

Dear Mr. Wall:

Reference is made to your letter of 10 July 1981 regarding your comments on the draft environmental impact statement (DEIS) on the Atchafalaya Basin Floodway System, Louisiana. In the referenced letter, you requested that the consultation process pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, be concluded prior to completion of the final environmental impact statement (FEIS).

The US Army Corps of Engineers, New Orleans District (NOD) is fully aware that your regulations, 36 CFR Part 800, call for EIS's to be prepared with and integrated with studies required by other authorities, including Executive Order 11593 and the National Historic Preservation Act of 1966, as amended, "to the fullest extent possible" (ref 36 CFR Part 800.9). We are also aware that your regulations call for conclusion of the consultation process to take place wherever feasible between issuance of the DEIS and completion of the FEIS (ref 36 CFR Part 800.9 (d) and (e)).

As stated in Appendix E to the subject DEIS, numerous cultural resources studies have been conducted by the NOD in conjunction with the environmental studies of the Atchafalaya Basin. The studies were undertaken to insure that historic and cultural properties were given proper consideration in project planning and preparation of the DEIS. However, as stated in Section 5.66 of the DEIS, the only feature of the recommended plan which has been subject to an intensive cultural resources survey is the levee enlargement feature. The consultation process for this project feature is now underway and will be documented in the FEIS.

Due to the preliminary level of project design of the other features of the recommended plan, intensive cultural resources surveys of these features have not yet been initiated. As stated in Section 5.66 of the DEIS, these project features will be surveyed during the next phase of project development as potential impact areas are defined.

LMNPD-RC  
Mr. Louis S. Wall

11 December 1981

As you are aware, the cultural resources survey is generally the method by which a Federal agency fulfills its responsibilities to locate any National Register and Register-eligible properties in the potential environmental impact area of its projects. Thus, it is only upon completion of these cultural resources surveys over the next few years that the NOD will be able to conclude the consultation process pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, as outlined by 36 CFR Part 800. The subject EIS is scheduled to be finalized in January 1982.

Therefore, it is not feasible to conclude the consultation process with your agency prior to completion of the FEIS. The NOD is aware that its cultural resources responsibilities under the National Historic Preservation Act of 1966, as amended, and other authorities will not be completed with submission of the FEIS. Be assured that all of our compliance activities will be in accordance with 36 CFR Part 800 and will be fully coordinated with the Louisiana State Historic Preservation Officer and your office, as appropriate.

Your response to this letter is requested as soon as possible, so that it can be included in the FEIS. If you have any questions or require additional information, please contact Mr. Michael E. Stout of my staff at (504) 838-2554.

Sincerely,

**ORIGINAL  
SIGNED BY**

ROBERT C. LEE  
Colonel, CE  
District Engineer



Reply to 1950

Date August 13, 1981

Colonel Thomas A. Sands  
Commander & District Engineer  
Corps of Engineers  
Box 60267  
New Orleans, LA 70160

Dear Colonel Sands:

We have reviewed the draft EIS on the Atchafalaya Basin Floodway System, Louisiana and have the following comments. Our major concerns are generally of an administrative nature. These have been discussed with Mr. Paul Fry, the State Forester's representative on the Management Group.

These concerns center on two themes often repeated in this study: (1) The many references made to clearcutting as a "forestry practice which must be controlled over the entire basin" and (2) the establishment of "environmental rights to prevent conversion of land to other uses and to provide control over the method of cutting forests." While both concepts seem sound and acceptable, we are apprehensive about the administration of such controls.

--Clearcutting has been often misconstrued at most of the public hearings as land conversion.

--An appointed committee would oversee both the Forest Management Plan and the environmental rights leases.

If the State Forester's proposed Forest Management Plan for the basin is approved intact by the Governor, then the problem of forest management practice definition should be solved. We firmly support the State Forester's position that his group be designated the sole agency to administer the Forest Management Plan since he has the forestry expertise to carry it out.

There will be a loss of 67,000 acres of bottomland hardwoods and bald cypress-tupelo gum swamp which is a considerable acreage of productive forested land. We feel in the development of the final EIS the following information should be displayed and evaluated.

1. The approximate acreage, by forest type, within the boundaries of the project.

2. The approximate acreage of prime timber land involved. (Prime timber land is defined as that land capable of producing a minimum of 85 cubic feet of timber per acre per year.)

3. The approximate yield of timber, per year, which could be expected to be produced if the commercial forest land were managed intensively and not destroyed by the project.

RESPONSE 2.1: It is agreed that clearcutting has been perceived to be synonymous with land use conversion. However, the comprehensive multipurpose easement proposed in the real estate feature of the recommended plan does not preclude the legitimate use of clearcutting on a limited scale as a part of acceptable silvicultural practice. Forest management cannot be delegated to the State Forester as timber rights would remain with the landowners. Forest management activities of the landowners would be controlled by the state agency selected by the Governor within the provisions explicitly described in the easements acquired and would be subject to the approval of the District Engineer, US Army Engineer District, New Orleans (Corps of Engineers).

RESPONSE 2.2: The average is presented throughout the report/EIS by general forest type. Data are not available with which to subdivide these general types into specific forest types.

RESPONSE 2.3: Sufficient data are not available to determine acreage of "prime timber." However, estimates indicate that there are 175,000 acres of bottomland hardwoods and 200,000 acres of other forest types that are "merchantable." "Merchantable" acreage represents land situated within 2500 feet of a navigable stream or roadway which contains stands capable of producing 2000 or more board feet per acre.

RESPONSE 2.4: According to Putnam (1951), 500 board feet (Doyle) of sawtimber per acre per year can be produced under management. Additionally, about 0.66 cords of pulpwood can be produced from topwood and small trees which are removed for cultural reasons. This high yield could probably not be produced on much of the forestland of the project-affected area since much of the area is subject to excessive flooding until late into the growing season. Moreover, rising water levels and land subsidence in lower floodway south of Big Bayou Pigeon and in the backwater area east of the floodway could make regeneration of cypress-tupelo stands difficult in the future as these areas become increasingly subject to year round inundation. Because of these factors and a lack of other data, it would be very difficult to predict what the actual yield of timber could be in the areas to be affected by the project.

J-24

2.1

2.2

2.3

2.4



2.5

4. The expected long term effects (loss of wood and wood products) and the effects on the local economy from committing commercial forest lands to the project.

2.6

5. The current stumpage value for each timber species in the major commercial forest types and the total value of wood products lost as the result of the project.

If the above information is presented, the reviewer will be able to determine the trade-offs in timber volumes and wood products lost and can formulate the project's impact on the forest and socioeconomic environment. We would suggest that you contact the Louisiana Forestry Commission, P. O. Box 1628, 5150 Florida Blvd., Baton Rouge, LA 70821, for forest inventory and evaluation information.

Other comments we have include:

2.7

--Page 108, paragraph 2 - Nowhere in this section on Timber is there a statement describing the reduction in present or potential timber volumes that will result from projected acreage losses. The reader might gain a better prospective of the values involved with such information.

2.8

--Page 211, Table 26, No. 7 - An average annual net income of \$14.00 per acre for bottomland hardwoods appears to be about half of what one would expect from typical forest land in the basin. We suggest that a net return of \$25.00 an acre per year would be a more accurate estimate. The State Forester's comments should be more specific here.

2.9

--Page 212-214, Table 26, IIA7 and IID2.b-d - Why are the 451,000 acres of Cypress-Tupelo Swamps not included as commercial forests?

We appreciate the opportunity to review the draft EIS and look forward to receiving a copy of the final EIS when it is published.

Sincerely,



ROBERT D. RAISCH  
Area Director

RESPONSE 2.5: Implementation of the Recommended Plan would actually cause a net gain of wood and wood products over future without-project conditions (that is, conditions if no further Federal actions were taken). The acreages of forestland involved and the economic impacts of this gain are discussed in various parts of Section 6 of the EIS. The loss of 67,000 acres of forestland reported in the draft EIS was based upon land clearing projections formulated using hydrologic data which has since been refined.

RESPONSE 2.6: Economic impacts were not calculated using stumpage values for each timber species. The total value of wood products would be greater if the Recommended Plan were implemented than would occur under future without project conditions. The project would not cause a net loss of such products.

RESPONSE 2.7: There would not be a reduction in timber volumes if the project were implemented. See Response 2.5.

RESPONSE 2.8: Net return per acre values in the final report were \$20 for bottomland hardwoods and \$11 for other forest types. Values used in the draft were \$18, bottomland hardwood and \$7, other.

RESPONSE 2.9: The cypress-tupelo swamps were included as commercial forest.



GENERAL COUNSEL OF THE  
UNITED STATES DEPARTMENT OF COMMERCE  
Washington, D.C. 20230

AUG 17 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
New Orleans District, Corps of Engineers  
Department of the Army  
P. O. Box 60267  
New Orleans, Louisiana 70160

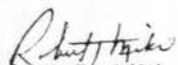
Dear Colonel Sands:

3.1 This is in reference to your draft environmental impact statement entitled, "Atchafalaya Basin Floodway System, Louisiana." The enclosed comments from the National Oceanic and Atmospheric Administration are forwarded for your consideration.

RESPONSE 3.1: Comments noted.

J-26 Thank you for giving us an opportunity to provide these comments, which we hope will be of assistance to you. We would appreciate receiving four copies of the final environmental impact statement.

Sincerely,

  
Robert T. Miki  
Director of Regulatory Policy

Enclosures Memo from: D. R. Ekberg  
National Marine Fisheries Service  
National Oceanic and Atmospheric  
Administration

Robert B. Rollins  
National Ocean Survey  
National Oceanic and Atmospheric  
Administration

Richard E. Hallgren  
National Weather Service  
National Oceanic and Atmospheric  
Administration



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Region  
9450 Koger Boulevard  
St. Petersburg, FL 33702

July 31, 1981

F/SER61/RR  
893-3503

TO: PP/EC - Joyce Wood  
FROM: F/SER61 - D. R. Ekberg  
SUBJECT: Comments on the Draft Environmental Impact Statement -  
Atchafalaya Basin Floodway System, Louisiana (COE)  
(DEIS #8106.32)

The draft environmental impact statement (DEIS) for the Atchafalaya Basin Floodway System, Louisiana, that accompanied your memorandum of July 2, 1981, has been received by the National Marine Fisheries Service for review and comment.

The statement has been reviewed and the following comments are offered for your consideration. We primarily reviewed those parts of the project likely to have greatest impacts on marine fishery resources and their habitat. Specifically, those include the proposals for the outlet works, Atchafalaya Bay and the backwater areas.

General Comments

In our opinion, the DEIS has failed to adequately consider project alternative features and alternative mitigation measures for any extension of the Avoca Island levee. Although the document briefly describes structural alternatives to the Avoca Island levee, it does not provide sufficient detail on comparative costs and flood protection or fisheries preservation advantages of alternatives. The very great adverse impact to marine fishery resources and their habitats are addressed to varying degrees of completeness in segments located in many different sections of the DEIS. When all these segments are viewed comprehensively, it is apparent that any of the proposed Avoca Island levee extensions would at a minimum:

1. reduce sediment and freshwater flows to Terrebonne Parish marshes, thus accelerating already alarming rates of marsh loss;
2. directly destroy several thousand acres of fresh to saline marsh; and

RESPONSE 3.2: Further extension of the Avoca Island levee is the only alternative studied in detail which would provide protection over the entire area of backwater influence east of the floodway. However, the final Recommended Plan provides for a delay in implementing a solution to backwater flooding problems during which time more precise engineering and biological parameters would be defined by additional detailed studies to provide a better understanding of the complex, dynamic and delicate ecosystem that nourishes the marine fishery. Thus the final EQ and Recommended Plans do not include implementation of the extension of the Avoca Island levee feature or other structural or nonstructural features associated with backwater protection until completion of the studies. A supplemental EIS would be prepared for this feature. The NED plan includes an extension of 14,000-feet only; and as explained extensively in the DEIS, would be an interim measure only. Any further extension would necessitate preparation of a supplemental EIS should this plan ever be implemented.





3. destroy some existing delta and reduce the total delta building potential of the Atchafalaya River.

The document also acknowledges the significant data gaps which need to be filled in order to adequately assess Avoca Island levee extension impacts on marine fishery resources (Table 6-8). In view of the above, we believe that the FEIS must present and seriously explore alternatives to extending the Avoca Island levee. In addition to ring levees around populated areas, the FEIS should also thoroughly discuss an alternative of an east-west barrier levee along the Bayou Black ridge between Morgan City and Houma. Unlike the localized ring levee alternative, this one would also provide some control of backwater flooding in the Lake Verret area.

3.2

The proposed Avoca Island levee extension is presented in the DEIS without adequate discussion of alternative means to offset losses of habitat valuable to marine fishery resources. Although construction and operation impacts are incompletely understood and quantified, as evidenced in the DEIS, thousands of acres of extremely valuable, sensitive and rapidly diminishing marsh and estuarine habitats of coastal Louisiana would be adversely affected. Because of the great value of these coastal habitats, the document should present a mitigation alternative in the FEIS that would totally compensate for the loss of estuarine habitat values through estuarine habitat creation or improvement. We believe that the continued production of living marine resources being reared in these coastal habitats, some of which are being managed under the Fishery Conservation and Management Act of 1976, cannot be appropriately mitigated by increasing wildlife, freshwater fish and recreational benefits in the interior basin, as proposed in the DEIS.

RESPONSE 3.3: It is not anticipated that the intermittent low-level channel training mounds would become connected and impacts have been assessed accordingly.

RESPONSE 3.4: It is erroneous to assume that a ring levee alternative would totally solve backwater flooding problems. See Response 3.2.

3.3

The DEIS appears to adequately present and discuss the 70% - 30% initial outlet flow distribution proposed between the Atchafalaya River and Wax Lake Outlet, respectively. The impacts discussed for the proposed channel training works along the two outlets would be accurate only as long as the proposed "intermittent shallow mounds" (illustrated on Plates 18 and 19) do not become connected, especially along the west bank of the Atchafalaya River.

#### Specific Comments

##### 1 SUMMARY

##### Major Conclusions and Findings

##### RATIONALE FOR THE ENVIRONMENTAL QUALITY (EQ) PLAN

3.4 | Page EIS-7, paragraph 1.4. The statement on lines 1-5 that the Avoca Island levee would make a positive environmental contribution is

misleading. Environmental impacts on sensitive and diminishing estuarine resources must be considered independently and cannot be offset by project modifications that only benefit terrestrial wildlife and freshwater fishery resources.

- 3.4 Lines 8-15 should be expanded to explain that the ring levee alternative would totally solve backwater flooding problems in populated areas, whereas the Avoca Island levee extensions would not. The same would be true for an east-west barrier levee along the ridge between Morgan City and Houma, which would also protect the Lake Verret area from backwater flooding.

#### RATIONALE FOR THE TENTATIVELY SELECTED (TS) PLAN

- 3.5 Page EIS 10, paragraph 1.6. How the real estate features of the plan referenced in the last sentence would mitigate the loss of living marine resources habitat should be thoroughly explained.

#### 4. ALTERNATIVES

##### Features Considered in Detail

#### GROUP VII - ALTERNATIVES TO REDUCE BACKWATER FLOOD DAMAGES EAST OF THE FLOODWAY

##### Limited structural measures.

- 3.6 Page EIS-62. This title is misleading because the structural measures discussed would eliminate, not just reduce, backwater flood damage in the developed areas. The only "limited" aspect of the plan is that of the area covered (i.e., providing no protection to most undeveloped areas) and environmental impact.

- 3.7 Page EIS-62, paragraph 4.55. The last sentence would be more accurate if it indicated this feature "...would provide total protection for part of the area, at least that which is developed...", rather than as stated in the DEIS "...that it would provide only partial protection of the area from backwater flooding."

##### Extension of Avoca Island levee.

- 3.8 Page EIS-63, paragraph 4.56. The reference in line 8-11 to diversion structures in both alignments, depicted on Plate 10, is misleading, as the only such structure labeled on the reference plate is in the existing Avoca Island levee. Also, the statement that "...it would...be operated to maintain present non-flood season distribution of flows into the Terrebonne Parish marshes" should indicate whether that refers to just water or water and its sediment.

RESPONSE 3.5: With the delay in implementing the Avoca Island levee, and/or other measures for backwater protection, the only losses to marsh would be 300 acres of direct construction losses due to other plan features and that could be mitigated by the overall positive environmental contribution of the real estate features of the plan. The flooded forest ecosystem that would be preserved by this plan could export nutrients to the estuarine system that would not be available under future without-project conditions.

RESPONSE 3.6: The measures discussed in this paragraph are "limited" because they would not protect all residential areas, all roads, existing farmland, forested areas, or other resources that would be adversely affected by backwater flooding.

RESPONSE 3.7: The existing sentence accurately describes the situation for the reasons given in Response 3.6.

RESPONSE 3.8: The water diversion structure is not yet built, but when constructed it would be located somewhere in the existing Avoca Island levee. This is necessary because the structure must be as far north as possible in order to provide the highest head for diverting the water. The requested clarification in the sentence on water distribution has been made.

## Final Array of Plans

## MITIGATION NEEDS OF PLANS CONSIDERED IN DETAIL

- 3.9 Page EIS-66, paragraph 4.59. Lines 1-3 should be expanded to describe how the prevention of rising water levels in backwater areas would interfere with or prevent logging.

Lines 3-5 should be more fully developed to describe the types of mitigation that would be implemented to offset estuarine losses if the entire Avoca Island levee were built.

- 3.10 Because of the national importance and unique functions provided by estuarine wetlands, lines 11-13 should be expanded to explain what management measures are being proposed to offset the loss of estuarine habitat and productivity attributable to levee construction.

- 1-50  
3.11 Page EIS-67, paragraph 4.61. We strongly disagree with the conclusion that the project induced reduction of marine fishery resources, some of which are already being managed for optimum sustainable yields under the Fishery Conservation and Management Act of 1976 (P.L. 94-265), need not be mitigated by offsetting increases in living marine resource production. This section should be expanded to emphasize the national significance, unique natural functions, value to important marine species and alarming rate of loss of estuarine wetlands. With an adequate expansion on these items, it should be apparent that the real estate features of the selected plan cannot mitigate the estuarine loss; thus, appropriate mitigation should be proposed.

## Comparative Impacts of Alternatives

## Table 4-7

- 3.12 Pages EIS-73 and 79. This table should also synopsise the comparative impacts of changes in sediment flow and distribution under the columns entitled Fresh Marsh, Brackish Marsh, Saline Marsh and Fisheries caused by the proposed Avoca Island levee extension.

- 3.13 Page EIS-90. Under the Business and Industrial Activity and Regional Growth column, the DEIS notes for Plans 4(EQ), 7(NED), and 9(TS) that "by extending the Avoca Island levee, the impediment to industrial expansion and regional growth would be lessened". The FEIS should indicate what percentage of the no longer impeded industrial expansion and regional growth would be in wetlands.

RESPONSE 3.9: The sentence has been deleted from the final EIS because recent hydrologic reevaluations and refinements have shown that water levels would not rise as drastically as previously indicated. Prevention of rising water levels should not adversely impact logging and should be beneficial to regeneration of forests following logging.

RESPONSE 3.10: See Response 3.5.

RESPONSE 3.11. The national significance, unique natural functions, and value to marine species are discussed in paragraphs 5.10 through 5.12, and the alarming rate of loss of estuarine wetlands is discussed in paragraph 4.26. Marsh losses associated with the Recommended Plan are estimated to be 1,000 acres. The preservation of forested wetlands in the Atchafalaya Basin floodway would allow export of nutrients to the estuarine system which should mitigate for some of these construction losses.

RESPONSE 3.12: The changes in sediment flow would be a major contributor to the changes in marsh acreage indicated in the cited table in Section 4. The rationale for these calculations is described in Appendix G. These marsh acreages have been used to calculate fishery values subsequently indicated in the table. As discussed in Response 3.2, implementation of the Avoca Island levee would be delayed until completion of additional detailed studies, and/or other measures for backwater protection except in the NED plan.

RESPONSE 3.13: Since a decision on implementing the Avoca Island levee extension has been delayed in the EQ and Recommended Plans, the comment would only apply to the NED plan. It is not possible to predict what percentage of the industrial expansion and regional growth would take place in wetlands.

## 5 AFFECTED ENVIRONMENT

## Significant Resources

## BAYS AND OPEN GULF

- 3.14 Page EIS-112, paragraph 5.25. The last sentence should document the probability of delta growth into the deeper waters of the Gulf of Mexico, especially in view of the reduction in sediment being transported down the Mississippi River drainage system and limited delta growth potential in deep Gulf waters.

## FISHERIES

- 3.15 Page EIS-120, paragraph 5.39. Marine fishery values of the area of project impact should be expanded and updated. Specifically, this section should document 1) recent recreational fishery values, 2) relative contribution of this estuarine complex to the offshore shrimp and finfisheries, and 3) more recent landings data, including consideration of the monetary impact of landings on local and state economics.

- 3.16 Page EIS-121, paragraph 5.40. The basis for estimating the 40% reduction in harvests of crawfish and sport fish should be provided.

## 6. ENVIRONMENTAL EFFECTS

- 3.17 Page EIS-158, paragraph 6.4. Because the identified information gaps exist and are critical to the protection and well-being of the estuary, this and subsequent sections should thoroughly discuss the advisability of impacting this area with construction of a partial levee, 14,000 ft. long, thus effectively making more difficult the adoption of other alternatives to the backwater flooding problems. In this regard, the FEIS should note that though it is technically correct that an alternative plan could be adopted after the first extension was constructed, such drastic project changes resulting in abandonment of partially constructed features usually only result from litigation (e.g., Wallisville Lake, Texas) or a Presidential directive (e.g., Cross Florida Barge Canal).

## Significant Resources

## FRESH MARSH

## Plan 4(EQ)

Major Impacts of Proposed Project Features

- 3.18 Page EIS-186 and 7, paragraph 6.51 and Table 6.8. This section, which discusses the same impacts as would result from Plan 9(TS),

RESPONSE 3.14: It is true that the amount of sediment coming down the Mississippi River is declining and that sediments reaching the gulf via the Mississippi River are deposited in deep waters. However, the 200-foot contour is only 7 miles off Southwest Pass, while it is 70 miles south of Point au Fer reef. Thus, the Atchafalaya delta has a long distance to develop out into the gulf before it reaches deep water. It is recognized that gulf waters are deeper than those of Atchafalaya Bay and consequently delta growth will be slower once it passes Point au Fer.

RESPONSE 3.15: The marine fishery values have been updated as requested. These values now include (and included before) the contribution that the marsh/estuarine complex makes to offshore fisheries according to the method of Lindall et. al. (1972). Recent recreational fisheries values have also been added.

RESPONSE 3.16: The existing paragraph clearly states the basis for the reduction in fishery harvests. Rationale for the 40-percent figure is given in Appendix A.

RESPONSE 3.17: See Response 3.2.

RESPONSE 3.18: See Response 3.2. In Section 6 of the EIS, the effects of the NED plan on estuarine fisheries points out that supplemental freshwater would maintain the future without project salinity regime in the Terrebonne Parish marshes. The Biennial Report, referenced in this comment, indicates increasing salinities in Caillou Lake were influenced by the drought cycle and were not entirely attributable to the construction of the Avoca Island levee. Further evidence that the drought was greatly responsible for salinities rising to "above 20 parts per million during many months of the year" is found in Barrett et. al. (1978). This referenced material does not show any monthly average salinity above 19.7 in Caillou Lake between October 1974 and September 1976.

- 3.18 notes that the secondary impacts of the Avoca Island levee extension on the Terrebonne Parish marshes are difficult to predict with available information, and that due to this lack of data numerous studies (outlined in Table 6-8) must be conducted prior to construction of reach 2. The FEIS should explain why this would not also be appropriate for reach 1, since the project would reduce the sediments now reaching most parts of the west Terrebonne Parish marshes. No amount of water exchange structures would change this since they would be closed when most sediment would be transported with flood waters. The FEIS should also note that the original Avoca Island levee contributed to a large increase in salinity in Sister (Caillou) Lake by reducing the amount of fresh water entering the lake (Louisiana Wildlife and Fisheries Commission 1958-1959, Eighth Biennial Report, p. 131).

#### BRACKISH MARSH

##### Plan 9(TS)

#### Impacts of Mitigation Measures and Operation and Maintenance of Proposed Project Features

- 3.19 Page EIS-194, paragraph 6.65. This section incorrectly indicates that the special mitigation measures proposed in Plan 4(EQ) would benefit marsh productivity when in reality the mitigation would at most offset losses of marsh productivity. Also the section is worded to suggest that the special mitigation measures would result in no benefit to marsh productivity. These paragraphs should be revised, as appropriate.

#### SALINE MARSH

#### Impacts of Mitigation Measures and Operation and Maintenance of Proposed Project Features

- 3.20 Page EIS-196, paragraph 6.70. This section should be expanded to document the increased saline marsh productivity which the DEIS indicates would result from the proposed water diversion measures.

##### Plan 9(TS)

#### Impacts of Operation and Maintenance of Existing Features

- 3.21 Page EIS-197, paragraph 6.76. The net beneficial impacts of floodway operation with the current maintenance spoil disposal practices in Atchafalaya Bay should be documented.

RESPONSE 3.19: Since the implementation of the Avoca Island levee extension and/or other backwater protection measures has been delayed in Plans 4 and 9, there would be no marsh mitigation needs for either. The paragraph on mitigation impacts has been revised to state that the diversion structure would only offset project-induced losses.

RESPONSE 3.20: See Response 3.19.

RESPONSE 3.21: Interpretation of the statement in paragraph 6.76 is inaccurate. Operation refers to passing floodwaters through the basin and does not include dredging in Atchafalaya Bay. Dredging in this area is associated with the Bayous Chene, Boeuf, and Black project and the disposal practices are assessed in the FEIS for that project, the last supplement of which was filed with the Council on Environmental Quality (CEQ) in February 1977.

## Plan 4(EQ)

Major Impacts of Proposed Project Features

3.22 Page EIS-198, paragraph 6.77. It should be noted that neither Plan 4 nor Plan 9 are the best plans to preserve the newly developing delta. Of the plans discussed, the FWS plan (Append. I) would be most desirable.

3.23 Page EIS-199, paragraph 6.77. This section should discuss the probability of sediment being redistributed to portions of the delta that are less suitable for deltaic wetland development. Modeling studies would appear appropriate to assess this project.

3.24 Page EIS-199, paragraph 6.78. The statement in the last sentence that delta development would occur in the open Gulf should be documented, since the sediment being transported in the Mississippi River Basin has been decreasing due to upstream water resource projects and sediments which do reach the Gulf are deposited in deep waters.

## Plan 9(TS)

Impacts of Operation and Maintenance of Existing Features

3.25 Page EIS-201, paragraph 6.85. It should be explained how conditions described in this paragraph differ from without project conditions. If the floodway were not operationally controlled, it appears that more of the Mississippi River flows would traverse it, carrying even more delta building sediments.

## BRACKISH AND SALINE MARSH BAYOUS, CANALS, AND BORROW PITS

## Plan 4 (EQ)

Major Impacts of Proposed Project Features

3.26 Page EIS-217, paragraph 6.135. The first sentence should clearly state that the increase in open-water areas caused by borrow pit construction, would be at the expense of extremely valuable saline and brackish marsh.

3.27 It is asserted on lines 4 and 5 and in a number of other sections in this chapter that various impacts are "nearly impossible to quantify." We recommend that all identifiable impacts be quantified as accurately as possible, with a range presented if necessary, to allow reviewers to evaluate project benefits and costs. At a minimum, the document should contain worst-case evaluations of construction and operation impacts on marine fishery resources and their habitats.

RESPONSE 3.22: With the recommendation to delay the Avoca Island levee extension, Plans 4 and 9 are the best plans to preserve the delta.

RESPONSE 3.23: With the delay of implementing the Avoca Island levee extension, no sediment redistribution would occur.

RESPONSE 3.24: See Response 3.14.

RESPONSE 3.25: Because of the devastating effects that would result from not controlling flows into the Atchafalaya Basin at the Old River control complex, the existence of this complex is part of the future without-project condition. However, since no previous EIS has been prepared on operation of the Old River complex, this EIS discusses the impacts of such operation.

RESPONSE 3.26: See Response 3.2.

RESPONSE 3.27: The "nearly impossible to quantify" impacts referred to in this sentence have nothing to do with this project but are general natural and man-induced impacts in the coastal zone. All identifiable impacts attributable to the Atchafalaya Basin project have been quantified, including those to marine fishery resources and their habitats.



## WATER QUALITY

Plan 9 (TS)

Impacts of Operation and Maintenance of Existing Features

- 3.28 Page EIS-234, paragraphs 6.181 and 6.182. These paragraphs should discuss whether the expected impacts of resuspension of pesticides, heavy metals and PCS's, over those expected in the future without project, would occur far enough down the basin to impact marine fishery resources. Any marine fishery impacts should be adequately described.

## FISHERIES

Plan 4 (EQ)

Major Impacts of Proposed Project Features

- 3.29 Page EIS-241, Table 6-10. The associated text should provide the derivation of the estimated harvest values provided in this table.
- 3.30 Page EIS-243, paragraph 6.206. If Table 6-10, on page EIS-241, provides a best-case estimate of harvest, a table depicting either worst-case or most probable-case estimates should also be provided so that marine fisheries impacts can be more accurately estimated.
- 3.31 Page EIS-243, paragraph 6.207. Details should be provided to describe how the Avoca Island levee extension reportedly would preserve the backwater fishery northeast of Morgan City.

Plan 9 (TS)

Impacts of Operation and Maintenance of Existing Features (All Plans)

- 3.32 Page EIS-252, paragraph 6.226. The statements that larger benthic organisms could escape spoil deposition and could burrow through 30-40 cm of spoil should be substantiated by documentation. If these statements cannot be documented, they should be revised to accurately reflect project impacts.
- 3.33 Page EIS-255, paragraph 6.238. The impact of operation of the floodway system on estuarine fisheries would be beneficial only if the Avoca Island levee were not extended, since its extension may result in accelerated destruction of Terrebonne Parish marshes and fishery resources, more than offsetting benefits from deltaic accretion.

RESPONSE 3.28: The paragraphs in question now indicate the local and short-term nature of the impact.

RESPONSE 3.29: The methodology is described in Appendix A. The paragraph in the EIS is not the proper place to give such detail.

RESPONSE 3.30: The final EIS clearly points out, in the referenced paragraph, that the harvest calculations are a best case estimate for freshwater species only.

RESPONSE 3.31: See Response 3.2.

RESPONSE 3.32: The statement is now referenced.

RESPONSE 3.33: See Response 3.2.

CLEARANCE:

F/HP:R.Smith

SIGNATURE AND DATE

cc:  
F/HP (3)  
F/SER612  
GOMFMC

*[Signature]* 8/5/81



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SURVEY  
Rockville, Md. 20852

AUG 1991

OA/C52x6:JVZ

TO: PP/EC - Joyce M. Wood  
FROM: OA/C52 - Robert B. Rollins

SUBJECT: DEIS #8106.32 - Atchafalaya Basin Floodway System, Louisiana

The subject statement has been reviewed within the areas of the National Ocean Survey's (NOS) responsibility and expertise, and in terms of the impact of the proposed action on NOS activities and projects.

Geodetic control survey monuments may be located in the proposed project area. If there is any planned activity which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activity in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation required for NOS monuments. For further information about these monuments, please contact Mr. John Spencer, Director, National Geodetic Information Center (OA/C18), or Mr. Charles Novak, Chief, Network Maintenance Branch (OA/C172), at 6001 Executive Boulevard, Rockville, Maryland 20852.

RESPONSE 3.34: NOS would be notified at least 90 days in advance of any activity that would disturb or destroy any geodetic control survey monuments. US Army Corps of Engineers' regulations do not allow the Corps to bear the costs for relocations of markers under the auspices of other Federal agencies.



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3.34

J-35



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL WEATHER SERVICE  
Silver Spring, Md. 20910

0A/W2/SZ

JUL 15 1986

TO : PP/EC - Joyce Wood

FROM : OA/W - Richard E. Hallgren *REH*

SUBJECT: DEIS 8106.32 - Atchafalaya Basin Floodway System, Louisiana

The alternatives offered for the Atchafalaya Basin Floodway System will not affect or influence NWS river forecast activities in the lower Mississippi Basin. However, we note that two of the three major federal cooperators in the project offer serious dissenting arguments to several of the findings and recommendations in the DEIS. Because the Atchafalaya Basin is such an important ecological and economic area, in some respects unique in the world, we strongly urge that the areas of disagreement addressed by the U.S. Fish and Wildlife Service, and the Environmental Protection Agency be investigated in more detail before the DEIS is accepted.

RESPONSE 3.35: Much of the disagreement has been removed by the decision on the Avoca Island levee extension. See Response 3.2 for details of the decision.



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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southeast Region  
9450 Koger Boulevard  
St. Petersburg, FL 33702

August 20, 1981 F/SER61/RR  
893-3503

Colonel Robert C. Lee  
District Engineer, New Orleans District  
Department of the Army, Corps of Engineers  
P.O. Box 60267  
New Orleans, LA 70160

Dear Colonel Lee:

This responds to the Draft Feasibility Report (FR) on the Atchafalaya Basin Floodway System, Louisiana, issued by the New Orleans District on June 22, 1981. Our comments are submitted under the provisions of the Fish and Wildlife Coordination Act (FWCA), as amended. National Marine Fisheries Service (NMFS) comments regarding the adequacy of the Draft Environmental Impact Statement (EIS) have been forwarded for inclusion in the Department of Commerce's comments being submitted under the National Environmental Policy Act of 1969.

Since our responsibilities primarily concern living marine resources, the following comments are restricted to the features proposed in the "Atchafalaya Bay and Backwater Areas" illustrated in Figure 2 on Page 9 or identified in Groups VI - Floodway Outlets and Delta Building and VII - Backwater Flooding East of the Floodway.

The proposal to initially maintain the present distribution of flows at the outlets, specifically, 70 percent through Lower Atchafalaya River by Morgan City and 30 percent through Wax Lake Outlet, appears best overall. However, the possible future change to approximately 80/20 percent, also indicated in the Tentatively Selected (TS) plan, would shunt a greater amount of sediment through the navigation channel across Atchafalaya Bay to the Gulf and reduce the delta building potential below the Wax Lake Outlet. Because of this plan's potential for fishery habitat degradation, it should only be implemented after a thorough reevaluation is performed under the provisions of the FWCA.

The document leaves us uncertain concerning impacts to marine fisheries habitat by the training works proposed below Morgan City. If the gaps, which the FR states (p. 193) would be left between disposal areas to allow for continued development of the overbank wetlands etc., are left between all disposal areas, the adverse impacts may be sufficiently low. However, if some disposal areas are allowed to run together, as illustrated on Plate 18, the sediments necessary for continued nourishment and development of overbank wetlands may be inadequate, especially west of the Lower

RESPONSE 4.1: Comment noted.

RESPONSE 4.2: As stated in Section 4 of the EIS, the change in outlet flows from 70/30 to 80/20 would only be implemented if the estuarine and marsh ecosystem responded favorably to stabilization of the flows at 70/30. Coordination would be maintained with the National Marine Fisheries Service and US Fish and Wildlife Service in making this determination.

RESPONSE 4.3: Gaps would be left between disposal areas. A close examination of Plate 18 indicates that disposal areas do not run together.



4.3

Atchafalaya River. Clarification of this discrepancy and assurances that the gaps would be maintained for the life of the project are necessary.

With regard to the Avoca Island levee extension, in previous meetings and in our April 29, 1981 review of the preliminary draft of this FR, we have expressed our concerns about the adverse impacts on fishery habitat caused by even the initially proposed 14,000-ft. extension of the levee. Although we have not received Volume 2 (Problem Identification and Formulation, Assessment and Evaluation of Detailed Plans), it is still evident in the appendices received to date that this levee extension would significantly impact marine fishery resources and their habitats. In the April 29, 1981, letter to Colonel Sands, we excerpted sections of the preliminary draft (reiterated in this draft FR/EIS) which acknowledged that the levee extension impacts would, at a minimum:

- Reduce sediment and freshwater flows to Terrebonne Parish marshes, thus accelerating already alarming rates of marsh loss,
- Directly destroy several thousand acres of fresh, brackish and saline marshes, and
- Destroy some existing delta and reduce the total delta building potential of the Atchafalaya River.

4.4

This draft FR/EIS still acknowledged the need for major studies to be conducted to adequately determine levee extension impacts on marine fishery resources (EIS Table 6-10). In consideration of the significance of the known impacts of levee construction and the major information gaps, such as how much less sediment would get to nourish the Terrebonne Parish marshes, it would be inappropriate to construct even the first 14,000 ft. of levee extension, pending studies to gather critical information. Though it is technically correct that an alternative plan could be adopted after the first extension was constructed, such drastic project changes, resulting in abandonment of partially constructed features, usually result only from litigation, e.g., Wallisville Lake, Texas, or Presidential directive, e.g., Cross-Florida Barge Canal. Even less realistic would be the assumption that the levee extension would be removed if the studies indicate that such a remedy were needed.

The Avoca Island levee extension is being proposed without the provision of adequate measures to offset significant losses of habitat valuable to marine fishery resources. Although construction and operation impacts are incompletely understood and not quantified, thousands of acres of extremely valuable, fragile and rapidly

RESPONSE 4.4: See Response 3.2.

diminishing marsh and estuarine habitats of coastal Louisiana would be adversely affected, primarily due to the drastic reduction of sediment-laden flood flows to the marshes. Because of the great value of these coastal habitats, the Corps of Engineers should present a mitigation plan which would totally compensate for the loss of estuarine habitat values through estuarine habitat creation or improvement if the Avoca Island levee extension must remain in the TS plan. This would be necessary just to meet the stated Natural Environment Planning Goal and Objective--to maintain or enhance the long-range productivity of the wetlands (p. 121). Moreover, we believe that the continued production of living marine resources reared in these coastal habitats, some of which are being managed under the Fishery Conservation and Management Act of 1976, cannot be appropriately mitigated by increasing wildlife, freshwater fish and recreational benefits in the interior basin, as proposed in the FR.

4.4

In consideration of the above, we recommend that no extension of the Avoca Island levee, which would only provide a partial solution to backwater flooding problems, be recommended for construction by the Corps at this time. Alternatively, we recommend that more effective local flood control be accomplished by more environmentally acceptable means. We suggest the use of ring levees around populated areas, as briefly discussed in the documents, construction of an east-west barrier levee along the Black and Chene Bayous ridge between Morgan City and Houma, or similar flood-control measures that would be far less damaging than the Avoca Island levee extension. In a reevaluation of ring and barrier levees, we suggest that designs with sufficient gates be evaluated so that pumps would need to be operated only during backwater flooding, storm surges or torrential downpours. Such modifications should reduce operation and maintenance costs and fuel consumption over the alternatives previously rejected by the Corps. If such alternatives are unacceptable to the Corps, then any extension of the Avoca Island levee should be delayed until a thorough study can be conducted to quantitatively identify levee construction and operation impacts on marine fishery resources and their habitats and a plan is developed and implemented to offset all identified impacts through wetland creation, enhancement or other appropriate compensation measures.

4.5

By incorporating our recommendations concerning Avoca Island Levee extensions, the Corps would develop an environmentally acceptable plan and would no longer need to indicate that the project's compliance with 17 of the Louisiana Coastal Use Guidelines

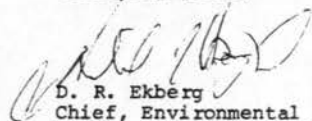
RESPONSE 4.5: The Coastal Zone Management Consistency Determination has been revised to reflect the change in status of the Avoca Island levee extension in the Recommended Plan.



4.5

is questionable for even the 14,000-ft. first reach, as stated in the Federal Consistency Determination (p. G-128), under the Coastal Zone Management Act.

Sincerely yours,



D. R. Ekberg  
Chief, Environmental and  
Technical Services Division



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SURVEY  
Rockville, Md. 20852

OA/C32x2:JPB

AUG 18 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
New Orleans District,  
Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

This is in response to your letter of June 22, 1981, in which you request comments concerning the draft environmental impact statement on the Atchafalaya Basin Floodway System, Louisiana.

The National Ocean Survey (NOS) publishes nautical charts of a large portion of the area in question. Principal among them is nautical chart 11354, a small-craft chart of the intracoastal waterway from Morgan City to Port Allen, including the Atchafalaya River. Nautical chart 11354 provides coverage at 1:80,000 scale from the confluence of the Atchafalaya and Mississippi Rivers to the Gulf of Mexico. Downstream, beginning at approximate latitude 30°20'N, several other charts at various scales provide additional coverage of the area. In addition, NOS maintains a number of geodetic marks and measuring apparatus which may be affected.

We have no specific comments with respect to the merits of the draft environmental impact statement. However, since we do publish nautical charts and maintain other items in the area in question, we request that we be kept closely informed as to developments in this situation.

Thank you for the opportunity to comment on the plan and your continuing cooperation.

Sincerely yours,

Lavon L. Posey  
Captain, NOAA  
Chief, Marine Chart Division

RESPONSE 5.1: Information on future developments in the project area will be forwarded as appropriate.





DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control  
Atlanta, Georgia 30333

(404) 262-6649

August 18, 1981

District Engineer  
Department of the Army  
New Orleans District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Sir:

We have reviewed the Draft Environmental Impact Statement (EIS) for the Atchafalaya Basin Floodway System, Louisiana. We are responding on behalf of the U.S. Public Health Service and are offering the following comments for your consideration in preparing the Final EIS.

We understand that the purpose of this project is to implement a flood control system that will safely pass the project flood to the Gulf of Mexico in an environmentally sound manner.

In general, we have no major objections to the proposed project provided development controls are sufficient to prevent noncompatible use of the floodway.

The design and construction of this project must not allow any increase to occur in local vector populations which have the potential to cause vector-borne disease or nuisance problems. Neither adverse nor beneficial impacts were mentioned in the EIS. Therefore, the effect of this project upon existing vector populations and potential vector-borne disease problems should be addressed in the EIS.

We appreciate the opportunity to review this EIS. Please send us one copy of the final document when it becomes available.

Sincerely yours,

*Frank S. Lisella*  
Frank S. Lisella, Ph.D.

Chief, Environmental Affairs Group  
Environmental Health Services Division  
Center for Environmental Health

RESPONSE 6.1: The comprehensive multipurpose easements of the real estate feature of the Recommended Plan contain developmental controls which will prevent incompatible uses of the floodway.

RESPONSE 6.2: No significant increase in local vector populations is anticipated. Paragraphs on vectors have been added to the Affected Environment and the Environmental Effects sections. Better water quality (due to the circulation improvement features of the Recommended Plan) should result in reduced populations of vectors, such as mosquitoes, since populations of natural predators, such as fish, would be expected to increase.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Regional Office VI  
1200 Main Tower Building  
Dallas, Texas 75202

July 2, 1981

Reference: LMNPD-RE

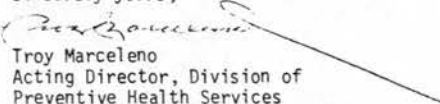
Thomas A. Sands  
Colonel, CE  
Commander and District Engineer  
New Orleans District  
Department of the Army  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

On behalf of the Regional Office of the Public Health Service, I have reviewed the draft feasibility report/Environmental Impact Statement on the Atchafalaya Basin Floodway System, Louisiana. I have no comments to make on the document.

Thank you for the opportunity for review of the draft report.

Sincerely yours,

  
Troy Marceleno  
Acting Director, Division of  
Preventive Health Services

RESPONSE 7.1: None required.

*Handwritten note at bottom of page*



REGION VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
FORT WORTH REGIONAL OFFICE  
221 WEST LANCASTER AVENUE  
P.O. BOX 2905  
FORT WORTH, TEXAS 76113

IN REPLY REFER TO:


August 18, 1981

Colonel Thomas A. Sands  
District Engineer  
New Orleans District  
Corps of Engineers, U.S. Army  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

The Draft Environmental Impact Statement on The Atchafalaya Basin Floodway System, Louisiana, has been reviewed in the Department's New Orleans Area Office and Fort Worth Regional Office, and it has been determined that the Department will not comment on the subject DEIS.

Sincerely,

  
Victor J. Hancock  
Environmental Clearance Officer

RESPONSE 8.1: Comments noted.

AREA OFFICES

DALLAS, TEXAS - LITTLE ROCK, ARKANSAS - NEW ORLEANS, LOUISIANA - OKLAHOMA CITY, OKLAHOMA - SAN ANTONIO, TEXAS



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

ER 81/1313

AUG 17 1981

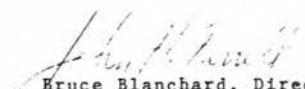
Colonel Thomas A. Sands  
Commander and District Engineer  
Corps of Engineers  
Department of the Army  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

The Department of the Interior is developing comments and recommendations on the draft main report and environmental impact statement for Atchafalaya Basin Floodway System, Louisiana. Based upon the August 6, 1981, meeting between your staff and our Fish and Wildlife Service, it was agreed that the Department could have a time extension to September 1, 1981.

This is to inform you that FWS held a subsequent field meeting on August 14, 1981, reached internal agreement on their comments, and sought their headquarters' approval of those comments. FWS comments and recommendations are undergoing final headquarters consideration. When this is completed we will be able to finalize the Department's comments. We hope that this will occur this week, and we will make every effort to have our comments and recommendations to you by September 1, 1981.

Sincerely,

  
Bruce Blanchard, Director  
Environmental Project Review



## United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

AUG 26 1981

In Reply Refer To:  
ER-81/1313

Colonel Thomas A. Sands  
Commander and District Engineer  
Corps of Engineers  
Department of the Army  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

The Department of the Interior has completed its review of the draft feasibility report and environmental impact statement for the Atchafalaya Basin Floodway System, Louisiana. We have the following comments and recommendations.

The Department's Fish and Wildlife Service (FWS) has participated in the formulation of the draft environmental statement and draft main report as this Department's representative. Specific and detailed comments pertaining to the two documents were provided to the Corps of Engineers in response to circulation of preliminary draft documents.

There are remaining areas of disagreement, not with the specifics of the way the draft environmental statement or main report are worded, but rather with the final decisions and recommendations of the Corps and the technical basis for those decisions and recommendations. As a principal participant in the formulation of the plan now being presented, the FWS was provided the opportunity to have a minority report incorporated into the draft documents. Attached is the revised minority report of the FWS which we recommend for incorporation in the public record.

The document lists minerals produced in the area affected by the Atchafalaya project and acknowledges the importance of mineral production to the local economy. As stated in the report, "Minerals produced in the 19-parish economic area include petroleum, natural gas liquids, salt, sulfur, sand and gravel, shell, clay, and lime." Carbon black and cement are byproducts of the natural gas and shell industries.

RESPONSE 9.1: Statistics for the "Value of Mineral Production" (old Table A-5-27 on page A-239 of the preliminary draft) have been updated through 1976. This is the last available year of comparable data.

J-46

9.1



Colonel Thomas A. Sands

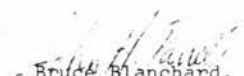
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9.1

We believe the draft could be improved by the inclusion of a map showing the location of the oil and gas fields, pipelines, mines, and other mineral-related industries in the area. Statistics given for mineral industry production are slightly out-of-date (1974). Consultation with the Department's Bureau of Mines is suggested to update this information.

We hope these comments and the FWS minority report will be of assistance in completing project documentation.

Sincerely,

  
Bruce Blanchard, Director  
Environmental Project Review

Enclosure

J-47

U.S. FISH AND WILDLIFE SERVICE  
CRITIQUE OF THE  
CORPS OF ENGINEER'S TENTATIVELY SELECTED PLAN  
AND  
RELATED IMPLEMENTATION PROPOSALS  
FOR THE  
ATCHAFALAYA BASIN (WATER AND LAND RESOURCES) PROJECT

AUGUST 18, 1981

)

## INTRODUCTION

The Fish and Wildlife Service has participated in the formulation of the draft environmental statement and draft main report for the Atchafalaya Basin Project as the representative of the Department of the Interior. Specific and detailed comments pertaining to the two documents were provided to the Corps of Engineers in response to circulation of preliminary draft documents.

There are remaining areas of disagreement, not with the specifics of the way the draft environmental statement or main report are worded, but rather with the final decisions and recommendations of the Corps and the technical basis for those decisions and recommendations. As a principal participant in the formulation of the plan now being presented, the Fish and Wildlife Service was provided the opportunity to have a minority report incorporated into the draft documents. Such minority report was circulated with the draft document for public review.

Project features, including those embraced by the entire Atchafalaya Basin Agency Management Group (ABAMG) and others with which certain participating agencies have concern, were formulated into a Tentatively Selected Plan (TSP). A notice describing the TSP soliciting public comment was released by the Corps of Engineers. Since neither the public notice nor the draft report/environmental impact statement, upon which the notice was based, presented the total perspective of the Fish and Wildlife Service on the various features of the TSP, the following discussion is being provided.

### TENTATIVELY SELECTED PLAN

The TSP consists of several features designed to alleviate project area flooding and to preserve, as nearly as possible, the natural environmental conditions of the Atchafalaya Basin Floodway that existed in 1972. Several alternatives within each feature were evaluated by the ABAMG prior to selection of those feature alternatives which would constitute the TSP. As indicated previously, the TSP contains several feature alternatives which are recognized by all participating agencies as the most practical and environmentally sound approach to accomplishing specific goals. However, certain feature alternatives of the TSP do not, as this stage of planning, appear to be the most efficient, rational, or environmentally sound technique for accomplishing the intended objective. The following will describe the TSP by project feature and will include our present perception of the positive and negative attributes of these features.

#### 1. Distribution of Flows Through the Old River Control Structure.

This structure, completed in 1963, was constructed to maintain a 70 percent/30 percent flow distribution between the Mississippi and

RESPONSE 9.2: The Recommended Plan was revised to retain the authorized 70/30 flow distribution with no variation in operation. A discussion of the rationale for this final recommendation may be found in Appendix B.

## 9.2

Atchafalaya Rivers, respectively, to avert a predicted takeover of Mississippi River flows by the Atchafalaya River (i.e., a change in river course). The Fish and Wildlife Service (FWS) had recommended maintenance of the authorized flow distribution as a compromise among extremes which, in some cases, would allow for increased agricultural expansion and, in other cases, would increase the likelihood of a change in river course. However, based on the recognition that stages within the Atchafalaya Basin Floodway will be dropping in the near future, due to center channel maturation, the FWS also requested flexibility in operation of the structure to allow an increase in flows into the Atchafalaya River, on an intermittent basis, to benefit aquatic resources, when such flows would not interfere with navigation on the Mississippi River or with the municipal water supplies of communities along the Mississippi River. All other options were eliminated early in the planning process. Since May 1980, however, the Corps of Engineers has begun to study the possibility of reducing flows into the Atchafalaya River during the months of May, June, and July, for the purpose of holding stages at Acme, Louisiana, at 45 feet mean sea level in favor of agricultural interests. Those months are very often a peak crawfish harvesting period, particularly during years with late flood waters.

Some preliminary data from which to evaluate the effects of such action have been recently made available by the Corps. No indepth or coordinated review of this preliminary data as to its overall adequacy or technical persuasiveness has thus far taken place or been scheduled. Lowering water levels in the Red River backwater area during these prime agricultural months could encourage additional clearing of the State's diminishing bottomland hardwood resources for conversion to row crop agriculture as well as adversely affect the overflow regime of the backwater area and of the floodway and its related fishery resources. The fact that no indepth consideration of this possible action has been conducted during the many years of project plan formulation, and yet, it is now being added at this late date as a potential project feature for further consideration, is of serious concern to the FWS.

Of equal concern to the FWS is our recent understanding, based upon Corps statements, that authority presently exists to allow the operation of the Old River Control Structure so as to provide for realization of the distribution of flows on an annual rather than a daily basis. Our earlier understanding of the situation was that the distribution of flows, 70 percent down the Mississippi River and 30 percent via the Atchafalaya River, was on a daily monitored basis. It is our understanding that the historic operation of the structure has been to achieve a daily based distribution.

Operation of the structure under the annual basis scenario could have extremely destructive consequences to the aquatic resources of the

Atchafalaya's unique wetland environment. The latitude could be assumed to exist to reduce spring water levels to the detriment of the valuable fishery but to the benefit of agriculture development. A potentially positive situation could exist where increased spring water levels could be provided during years of below normal flows though such operation could conflict with agriculture development.

9.2

We have previously requested that any further consideration of flow reduction through the Old River Control Structure be terminated. We believe that the daily monitored basis of flow distribution, as has been historically practiced, should be continued. Furthermore, any change in the present operational regime associated with the structure, where significant environmental effects would be the result, should be discussed in an environmental statement at that time. Our understanding is that the Corps agrees that such additional consideration is warranted.

2. Training Works Along Main Channel and Outlets.

This feature consists essentially of three separate actions: (1) employing bank stabilization and minor maintenance techniques along the Atchafalaya River banks between River mile 53 and 90, (2) constructing training works (i.e., depositing spoil along banks) along the Atchafalaya River to a height sufficient to confine average annual peak flows between mile 90 and 116 to simulate the development of natural ridges, and (3) constructing training works below Morgan City on both the Wax Lake Outlet and the Lower Atchafalaya River (gaps would be left between disposal areas) to simulate the formation of natural levees. There is some question relative to the need for action along the main channel between River mile 53 and 90, since Corps hydrologists have repeatedly indicated that this reach of the channel is self-scouring (i.e., to the latitude of Myette Point). Although certain measures, (e.g. riprap installation) may be necessary and appropriate to stabilize bank caving along this reach, further deposition of spoil to confine greater flows could have the effect of completing the river levees through much of the Floodway, thus further reducing overbank flows. There is apparently a need to employ channel training works to confine average annual flows between River mile 90 and 116, i.e., through Grand and Six Mile Lakes. If these channel training works are not increased to allow confinement of greater than average annual flows, we do not, at this time, anticipate significant adverse environmental impacts from this action. Due to the lack of available hydrological data, we are reserving final judgement on channel training works below Morgan City. It is possible that if adequate gaps are left between disposal areas along this reach, no adverse environmental impacts to adjacent marshes may occur. There has been some indication by the Corps of Engineers within the last six months, however, that a future attempt may be made to extend channel training works, below the present mouths of Wax Lake Outlet and the

RESPONSE 9.3: The Recommended Plan does not require dredged material deposition on banks between river mile 53 and 90 to confine flows. Only minor bank maintenance is proposed here in the event that existing banks begin to erode or cave. No extension of channel training works below the present mouths of Wax Lake Outlet and the Lower Atchafalaya River is envisioned. If such channel training were implemented through Atchafalaya Bay, the amount of sediment deposited in the bay would be reduced, but not eliminated. It is misleading to state that a situation analagous to that at the mouth of the Mississippi River would exist. There, the 200-foot contour is 7 miles from the mouth and sediment drops off the continental shelf. At the mouth of the Atchafalaya River, the 200-foot contour is 70 miles from Point au Fer reef, and subareal delta should continue to develop in the nearshore area.

9.3

Lower Atchafalaya River into Atchafalaya Bay. If this action was implemented, the majority of sediments, then confined by the channel training works, would be carried to the deeper Gulf waters where no subaerial delta development would likely form. Thus, a situation analogous to that which exists at the mouth of the Mississippi River would prevail.

### 3. Sediment Control.

Three alternatives were examined, to various degrees, to evaluate their effectiveness in reducing sedimentation in the overflow areas of the Basin. These included realigning major distributary channels (i.e., the east freshwater distribution channel and the east and west access channels; the west freshwater distribution channel would be closed) to reduce the volume of sediments being carried by these channels into the backwater areas, constructing sediment traps at the heads of major distributary channels to act as settling basins for trapping sediments, and constructing water management units in such a fashion as to limit sediment movement and deposition in the backswamp areas of the Floodway. The Corps of Engineers is recommending only the realignment of distributary channels alternative to reduce sedimentation in the Basin. Although certain water management units (to be discussed later) will also be included in the TSP, the Corps of Engineers apparently believes that the sediment control contribution of these management units would be negligible. The Environmental Protection Agency, on the other hand, has generated data which indicates that water management units will make a positive contribution to sediment control and should, accordingly, be given credit for such contribution. We believe that both of these techniques are viable approaches to sediment reduction and should be included in the tentatively selected plan. The third alternative, (i.e., sediment traps) has apparently been eliminated from further consideration by the Corps of Engineers due to the land requirements for use as spoil disposal areas (some 3,000 acres over project life) and to the associated environmental consequences. We question, however, whether the potential environmental damages to spoil disposal from maintenance of the sediment traps outweigh the sediment control benefits to be realized from this feature. We note a lack of data relative to beneficial environmental impacts that could be expected to result from the sediment-reduction contribution of these traps. In the absence of such data, upon which to base a 'benefit versus cost' judgement, we believe that it is premature to eliminate sediment traps as a potentially viable and useful means of reducing sedimentation in the backswamps of the Floodway. If we assume that the combination of sediment traps and realignment of channel distributaries would remove 100 percent of the sands from the water entering through the distributaries into the backswamp during non-flood flow occurrences, the case for further examining the feasibility of implementing sediment traps is further reinforced.

RESPONSE 9.4: US Army Corps of Engineers' data indicate that management units would make an almost insignificant contribution to sediment control. Utilizing data generated by US EPA, it is estimated that construction of the Buffalo Cove management unit would reduce the amount of sedimentation in this unit by a total of about 0.2 inch over a 50-year period. Sediment traps would likewise do relatively little to preserve wetland areas as the sands removed by them would mostly be deposited on existing natural levees along the major bayous. During floodflows, sediment traps would do little to prevent sedimentation in the backswamps since the sediment arrives via overbank flow. There seems to be little logic for building these structures when they would contribute so little to wetland preservation and, at the same time, would totally destroy 3,000 acres of valuable bottomland hardwood forests.

4. Increasing Flow Capacity of the Outlets

Three techniques were evaluated for increasing the flow capacity of the outlets: (1) vary the distribution of flows through the outlets (ranging from 100 percent through the Lower Atchafalaya River (LAR)/0 percent through Wax Lake Outlet (WLO) to 0 percent through the LAR/100 percent through WLO), (2) enlarge the WLO overbank area, and (3) construct channel training works adjacent to the banks of both outlets from Morgan City to their present confluence with Atchafalaya Bay (this technique was discussed under item #2 above). Although the approved design distribution of flows is 80 percent-LAR/20 percent-WLO, the existing distribution of flows is more nearly 70 percent-LAR/30 percent-WLO. The Corps of Engineers believes that the continued trend of increasing flows through WLO would effectively reduce the combined capacity of the outlets to pass flood flows. Accordingly, the Corps of Engineers has selected the alternative of holding the distribution of flows to 70 percent-LAR/30 percent-WLO, initially, then, at some time in the future, possibly returning to the presently approved design flow distribution. Presently we are not particularly concerned with either maintaining the existing flow distribution or selecting the alternative of gradually limiting normal flows in WLO to 20 percent; however, we are firm in our belief that sediment flows through WLO should be maximized. We believe that this action would contribute to environmental quality by increasing the delta formation in Atchafalaya Bay. We are concerned that simply increasing flows (i.e., to 80 percent) through LAR, in the absence of WLO channel realignment to maximize sediment flow through this (WLO) outlet, would result in even a larger percentage of sediment being shunted via the LAR navigation channel through Atchafalaya Bay than is presently occurring. Recent studies indicate that construction and maintenance of the navigation channel through Atchafalaya Bay have severely restricted delta development below the LAR outlet and that future channel maintenance will continue to adversely impact delta development by allowing 25 percent or more of the delta-building sediments to be directed to deeper Gulf waters. We fully appreciate the need to maintain the navigation channel through the LAR and the Bay, however, we firmly believe that more efficient use of sediments for delta-building can be made by directing them through WLO. Certainly, we would not favor the elimination of delta development below the LAR, and we do not believe that this action would preclude this development. We do envision, however, that maintaining the navigation channel through Atchafalaya Bay will continue to aggravate delta formation in that region. We note that the Draft Environmental Impact Statement indicates that, for engineering reasons, increasing sediment through WLO could be accomplished only if a 70/30 flow distribution were maintained at the outlets. If this is in fact the case, we recommend that the presently ongoing delta sediment model studies and the upcoming delta management studies be completed prior to reducing flows through WLO. These studies will hopefully yield results which will allow the implementation of techniques to

RESPONSE 9.5: Sediment flows can be maximized only if the 70/30 flow distribution is maintained. If the distribution were reduced to 20 percent at Wax Lake Outlet, and channel realignment was implemented to maximize sediment flow, then Wax Lake Outlet would rapidly silt in and lose its capacity to function as an outlet for floodwaters or for sediment. Delta formation would then be impeded at the mouth of Wax Lake Outlet - not maximized.



9.5

maximize delta development while allowing the Corps of Engineers to manipulate the distribution of flows at the outlets to benefit flood control and navigation. Decreasing flows through WLO prior to completion of these studies might preclude future options for maximizing delta development. Although there is no data available from which to quantify anticipated fish and wildlife resource impacts, the Corps' proposal to enlarge the overbank area adjacent to WLO to function as a "floodway" for the release of floodwaters from the Atchafalaya Basin Floodway may be environmentally beneficial. This feature will allow the nourishment of wetlands, which are presently severed from sheet flow by the existing levee on the west bank of WLO, with freshwater and sediment from the WLO. Further, diverting flood flows via this overbank area may accelerate delta formation in Atchafalaya Bay below the mouth of WLO. This appears, from an environmental standpoint, to be a technique for increasing natural delta development in the western segment of Atchafalaya Bay.

#### 5. Reducing Backwater Flood Damages East of the Floodway

Two alternatives were considered in detail to relieve flooding problems east and northeast of Morgan City. One alternative involves the progressive extension of the existing Avoca Island Levee along the east side of Atchafalaya Bay to near Point au Fer. The other alternative involves constructing a series of ring levees (Limited Structural Measures alternative) around industrial complexes and individual communities and providing floodproofing to individual residences where ring levees are deemed infeasible. The Corps of Engineers has selected the extension of the Avoca Island Levee based on the rationale that this alternative would provide the authorized degree of backwater flooding to both developed areas and undeveloped bottomland hardwoods, cypress-tupelogram swamps, and marshes. However, based on the following considerations developed after intensive independent study and interaction with the Corps of Engineers, the National Marine Fisheries Service, the Environmental Protection Agency, the Louisiana Department of Wildlife and Fisheries, and Louisiana State University researchers, we are convinced that the Limited Structural Measures (ring levees) alternative is, by far, superior to the Avoca Island Levee Extension alternative from both flood protection and environmental standpoints. These considerations are discussed in detail in a Planning-Aid Report on the Coastal and Backwater Area Features of the Atchafalaya Basin Project contained in Appendix I.

9.6

- a. The Avoca Island Levee Extension alternative would, at best, reduce only backwater flooding; area residents and the regional economic base would still be subject to headwater and tidal flooding which accounts for 50 percent of the flooding problems in this area. It is now recognized that even with the Avoca Island Levee Extension, ring levees will eventually be necessary for area residents to continue inhabiting the backwater area.

9.7

RESPONSE 9.6: The final Recommended Plan calls for delaying implementation of further extension of the Avoca Island levee and/or other structural or nonstructural features associated with backwater flood protection until the completion of additional engineering and biological studies of the complex, dynamic, and delicate ecosystem of the Atchafalaya Bay-Terrebonne Marsh-backwater area.

RESPONSE 9.7: Headwater and tidal flooding account for about 50 percent of existing flooding problems. This distribution of flooding influences would change significantly by the year 2030 when backwater flooding would cause almost all of the flooding in the area east of the floodway.

RESPONSE 9.8: Concur. Subsidence will be addressed in planned future studies for this area.

RESPONSE 9.9: The limited structural measures alternative would not provide total protection of residential and industrial developments in the backwater area. Certain areas, such as Stephenville, cannot be readily protected by ring levees. Additionally, this alternative would not provide flood protection for existing agricultural lands, forests, roads, highways, and other resources and activities outside of the ring-leveed areas.

RESPONSE 9.10: While the first cost of the Avoca Island levee bayshore alignment and the 28 ring levees would be approximately equal, there would be a significant difference in annual costs. The annual costs (computed at October 1981 prices and an interest rate of 7 5/8 percent), including operations and maintenance, for the bayshore extension would be \$17,791,000, while the ring levees would be \$32,400,000. The annual cost calculation of \$17,791,000 for the bayshore extension includes taking into account a \$34,500,000 first cost for raising the perimeter guide levees and a \$11,500,000 first cost for a water control structure at Bayou Boeuf as recommended by US FWS. Despite these additional first cost charges, the annual costs of the bayshore levee extension would be substantially lower than ring levees for two reasons. First, the bayshore extension would involve phased construction occurring over a period of about 40 years. (This reduces the present value of the construction costs on which the annual costs are computed.) Second, the 28 rings would have an annual operation and maintenance charge of about \$4,000,000 compared to a negligible charge for the bayshore extension. This operation and maintenance charge for the ring levees would be due primarily to the cost of operating pumps to accommodate interior drainage and not because "total flood protection would be provided simultaneously rather than incrementally as with the Avoca Island levee extension" as stated by the US FWS.

There would be mitigation costs due to direct construction impacts, estimated to be \$3,500,000 to \$4,000,000, associated with implementing the ring levees. Additionally, there might be a requirement for mitigation of an undetermined amount attributable to the ring levees because of adverse impact of the rising water levels on forests in the backwater area.

Adverse social impacts would occur with ring levees, including relocations of some 1,900 existing residential, commercial, and public structures because of needed levee construction rights-of-way along bayous and in other physically restricted areas. Also, many existing residences not protected within the ring levee systems would need flood-proofing protection; for instance, the recently developed subdivision of Stephenville would need flood-proofing. Existing roads and highways would also need to be raised.

RESPONSE 9.11: This statement is true; however, it should also be noted that extended flooding of the marshlands, such as occurred during the 1973 flood, appears to be harmful. Such flooding appears to have been a major factor causing marsh destruction in the Turtle and Piquant Bayou areas. This type of prolonged flooding would be eliminated by the Avoca Island levee. Secondly, it must be recognized that, as the Atchafalaya Bay delta matures, sediment transport to the western Terrebonne Parish marshes would be reduced and marsh deterioration rates would increase.

9.8 b. Subsidence can be viewed as land sinking while the water level remains unchanged; nevertheless, additional flooding is the net result. The Corps of Engineers previously indicated in its survey report on the Morgan City and Vicinity Hurricane Protection Project that the Morgan City regional subsidence rate is 1 or 2 feet per century. Louisiana State University Center for Wetland Resources researchers have recently projected a 2.9 foot per century increase in water levels east of Morgan City, most of which they attribute to subsidence. An independent hydrologist on contract to the Terrebonne Parish Police Jury recently stated that the area rate of subsidence is about 2 feet per century. Even if the Avoca Island Levee Extension prevented backwater levels from exceeding flood stage in the future, progressively more land would be subject to flooding as the area continues to sink. Therefore inhabitants would still be faced with the task of seeking additional flood protection.

9.9 c. The Limited Structural Measures alternative (i.e. ring levees) would provide total protection of residential and industrial developments from backwater, headwater, and tidal flooding, as well as from the effects of subsidence. Providing flood protection via ring levees is not a new concept, but one that has already been incorporated in the Atchafalaya Basin Floodway Project to protect the Berwick-Patterson area and the Franklin-Bayou Sale area from both Atchafalaya River flooding and tidal flooding.

9.10 d. Preliminary cost calculations by the Corps of Engineers indicate that the initial construction costs of the two alternatives are virtually identical (i.e., \$338.6 million for the Avoca Island Levee and \$340 million for the ring levees). We understand, however, that the Avoca Island Levee estimate did not include a \$30 million cost for raising the perimeter guide levees (needed because of a rise in flood stages in the interior of the Basin caused by the levee extension), a \$10 million cost for a water control structure at Bayou Boeuf, and a \$75 million marsh mitigation package, initially proposed by Corps biologists because of anticipated damages to marsh caused by the levee extension. Similarly, the ring levee estimate did not include the cost of floodproofing the residences which could not be protected by ring levees; however, no cost estimate for this action has been furnished by the Corps of Engineers. Greater annual operation and maintenance costs are attributed to the ring levee alternative, since total flood protection would be provided simultaneously, rather than incrementally as with the Avoca Island Levee Extension alternative.

9.11 e. The Terrebonne Parish marshes were formed and maintained by previously active Mississippi River delta lobes and thus are in

the Mississippi Deltaic Plain. The Atchafalaya River, also in the Mississippi Deltaic Plain, is influencing the western half of the Terrebonne Parish marshes as the river carries a substantial portion of the Mississippi River flow and sediment load. Although the bulk of the sediments transported by the Atchafalaya River are deposited west of Terrebonne Parish, an amount sufficient to maintain marshes or at least retard their rate of loss is deposited in Terrebonne Parish. Recent land change studies show that western Terrebonne Parish marshes that receive this unrestricted river influence have a much lower land loss rate than marshes in the eastern half of the parish where the Atchafalaya River exerts little influence.

River influence in the fresh marshes of the Bayou Penchant drainage has already been greatly modified by construction of the existing Avoca Island Levee. Some river sediment is still transported to the area but in a more circuitous manner. This has resulted in reduced sediment deposition. The levee has apparently converted the flooding regime in the area from one of direct river overflow to one influenced more by backwater flow from the river. Accordingly, the marshes in the Bayou Penchant drainage have deteriorated at a much greater rate than adjacent marshes to the south which are subject to unrestricted direct river overflow. The Bayou Penchant marshes changed from a totally undeteriorated marsh condition in 1956, only a few years following levee construction, to a moderately deteriorated condition prior to the flood period of 1973-1975. The marsh loss rate was greatly accelerated during the flood period, but in following years the loss rate has lessened as some of the marsh has recovered. Apparently the resurgence of the marsh is directly attributable to the reintroduction of sediment with the flood waters during that period.

It is readily apparent from studying land change rates for the Mississippi Deltaic Plain for the period 1955-1978 that the Atchafalaya River influence is beneficial to the maintenance of marshes in the western half of Terrebonne Parish. This is evidenced by increased marsh loss rates in the eastern portion of the parish as compared to marsh loss rates in the western portion of the parish. Accordingly, we firmly believe that continued direct Atchafalaya River overflow is essential to the survival of the Terrebonne Parish marshes. Further, we believe that, with extension of the Avoca Island Levee, the zone of deteriorated marsh behind the existing levee would be expanded southward, to include the area behind the proposed 14,000-foot extension.

Since very little data were available from the Corps of Engineers relative to hydrologic changes anticipated with the Avoca Island Levee Extension, it was not possible to quantify expected impacts

RESPONSE 9.12: The fish and wildlife losses due to the Avoca Island levee extension would probably be severe. However, a delay in implementing this feature until completion of additional studies is recommended in Plans 4 and 9. The levee extension remains only in the NED Plan. Estimated marsh losses due to Reach 1 (14,000-feet) would be only 900 acres. Revised hydrology studies indicate that only a limited amount of clearing would be induced by the levee extension.

9.12 to fish and wildlife resources to any great degree of accuracy. We have developed, however, a conservative estimate of fish and wildlife habitat losses that we believe will occur as a result of extending the levee the full 19.6 miles. Although only the first reach (14,000 feet) is being proposed at this time, the projected impacts of the entire levee are presented to compare with that of the Limited Structural Measures alternative. The impacts of implementing the entire levee include the loss of 17,000 acres of fresh, brackish, and saline marsh and 67,000 acres of bottomland hardwoods and baldcypress/tupelogum swamp. These habitat losses would result in average annual declines of over 1.9 million pounds of estuarine-dependent commercial fishery harvest; 17,800 man-days of saltwater fishing; 10,000 man-days of sport hunting; and a reduction in the average commercial harvest of 22,000 fur animals and 240 alligators. Even if only the first reach of the levee is initially implemented, as currently proposed, we conservatively estimate that this will cause the loss of approximately 3,500 acres of marsh and 67,000 acres of bottomland hardwoods and cypress/tupelogum swamp. Ongoing studies by other agencies participating in the planning process may yield much higher estimates of fish and wildlife resource damages from extension of the Avoca Island Levee.

9.13 f. The Avoca Island Levee Extension will reduce freshwater inflow into the marshes and waters of Terrebonne Parish. In addition to reduced sediment transport to the affected marshes, the FWS is concerned with the potential impact of saltwater intrusion on the fresh marshes and the existing oyster-producing areas of this region. Saltwater intrusion would shift the optimum zone of brackish water for oyster production inland exposing the existing oyster-producing areas to invasion by oyster predators and disease.

9.14 g. Although the Corps of Engineers has tentatively proposed freshwater diversion structures for installation in the Avoca Island Levee as a means of reducing marsh deterioration and saltwater intrusion, there are grave doubts regarding the effectiveness of these structures. These doubts are based on the fact that the optimum period for diverting the large volume of freshwater and sediments needed to offset marsh losses coincides with the period of highest frequency of backwater flooding. Thus, the need to prevent backwater flooding would probably override the need to divert water for marsh management and salinity control. In addition, flooding of developed land is expected to occur more frequently as the area continues to subside. As a result, the flood stage elevation, which determines when the structure would be closed, would require adjusting downward thereby decreasing the time that the freshwater diversion structures could be operated. Furthermore, the proposed diversion may not compensate for the effects of potential major circulation changes in the fresh marsh zone

RESPONSE 9.13: The freshwater diversion structure(s) in the Avoca Island levee extension would insure that the inflow of freshwater into the marshes of Terrebonne Parish would not be reduced during the non-flood season - the most critical time insofar as saltwater intrusion problems are concerned. Moreover, it would reduce the occasional influx of low salinity waters due to major floods which could cause oyster mortality. Thus, the overall impact of the levee on oysters might well be to help stabilize salinities in the oyster producing regions of the Terrebonne Parish. Future studies proposed as a part of the Recommended Plan should aid in clarifying this issue.

RESPONSE 9.14: The design capacity of the freshwater structure was based on the estimated quantity of flow that the levee extension would prevent from entering the Terrebonne marshes for low to normal Lower Atchafalaya River discharges. For these conditions, when saltwater intrusion is likely to be most prevalent, the quantity of freshwater diverted to the Terrebonne marshes would remain unchanged.

9.14

resulting from the levee extension. It is anticipated that the levee extension will have the greatest impact on reducing water levels in the area nearest the end of the levee itself. This may result in a greater proportion of the backwater area flows being diverted back to the Atchafalaya River via the Avoca Island Cutoff Channel, rather than eastward toward Houma, as presently occurs. Therefore, the freshwater flows diverted from the lower Atchafalaya River may, similarly, be forced down the Avoca Island Cutoff Channel and returned to the river, bypassing the marshes. We suspect that the corresponding decrease in easterly flows will encourage saltwater intrusion into the marshes of eastern Terrebonne Parish from the Houma Navigation Canal, resulting in increased marsh losses.

9.15

- h. If the Avoca Island Levee is extended south to Point au Fer Island and eventually to the Gulf of Mexico, the Avoca Island Cutoff Channel will also have to be extended parallel to and east of that levee, unless a navigation structure connecting the channel with the Lower Atchafalaya River is included in or near the first reach of the levee. If such a navigation structure were excluded, the subsequent extension of the Avoca Island Cutoff Channel could have results on Terrebonne Parish marshes similar to those experienced in southeastern Louisiana following construction of the Mississippi River-Gulf Outlet, i.e., tremendous wetland deterioration resulting from saltwater intrusion.

9.16

- i. The Limited Structural Measures alternative (i.e., ring levees) would have no adverse effect on marsh habitat and would have a net impact on less than 1000 acres of forested wetlands.

#### 6. Water Management Concept for the Floodway

9.17

The high fish and wildlife productivity of the Atchafalaya Basin can be attributed to the annual cycle of flooding and dewatering. This productivity, however, has been declining as a result of increasing sedimentation, gradually lowering water levels, and the conversion of forested wetlands to row crop agriculture and industrial development. In an attempt to maintain the fish and wildlife productivity of the Basin, a concept for duplicating historic water regimes, improving water quality, and optimizing overflow patterns via the concept of developing a series of water management units is being proposed. Initially, funding for the construction of 2 pilot units (i.e. Buffalo Cove and Henderson) will be requested. Pre- and post-construction studies of these units will be performed. The data from these studies will be used to determine the exact number and design of units to be implemented in the future. We do not believe that adequate data are available from which to determine, at this time, that only certain management units merit authorization and detailed design. It should be remembered that the present design of management units is conceptual

RESPONSE 9.15: The analogy to the Mississippi River-Gulf Outlet (MRGO) is inappropriate. The MRGO connects a highly saline water body, which receives little river discharge, to the marshes of St. Bernard Parish. The Avoca Island Cutoff channel would connect a moderately saline water body receiving much river discharge to the marshes of Terrebonne Parish.

RESPONSE 9.16: It is untrue that the limited structural alternative would have no adverse effect on marsh habitat. This alternative would continue to allow prolonged marsh flooding, such as occurred in 1973. Long term flooding appears to be detrimental to the marshes. Moreover, this alternative would cause the destruction of several thousand acres of forestland due to the direct construction impacts of building ring levees and induced clearing of forestland inclosed by the ring levees.

RESPONSE 9.17: The Corps has not lessened its support for management units but has attempted to be objective in assessing their possible adverse impacts to navigation and water quality. It is untrue that there would be "virtually no water at all during most of the year" if management units were not built. Water levels in the year 2030 in the absence of management units would be only slightly lower (2 to 3 feet) than at present. Major bayous would still be navigable. Additionally, US Army Corps of Engineers data indicate that management units would do little to prevent sedimentation since most sediment is deposited during major floods when management units would not function.



9.17

in nature and that the Corps of Engineers should actually be requesting Congressional authority to do whatever can be reasonably done to mimic historical overflow patterns and to improve water circulation and quality throughout the entire Basin. Such actions might include immediate implementation of canal enclosures or circulation improvement features prior to total implementation of the water management program within any specific area of the Basin. The Corps of Engineers has apparently lessened its support of the water management unit concept by stressing concern for potential hinderance to navigation that water circulation control structures might have and the potential for localized water quality problems within management units. We believe that reduced water levels and increased sedimentation in the future-without water management units condition would certainly hinder navigation to a greater degree, since there would be virtually no water at all during most of the year, and would have a net adverse impact to water quality when compared to a with-water management unit condition. A planning-aid report on water management controls (contained in Appendix I) prepared by the Fish and Wildlife Service indicate that water management units alone would substantially increase fish and wildlife productivity in the Basin as compared to the future-without project condition. The following gains in productivity would be realized in the year 2030 with management units implemented as a project feature as contrasted to a without management unit situation: potentially harvestable commercial furbearers will increase by 11,000 animals; potentially harvestable commercial crawfish will increase by approximately 59,000,000 pounds; and potentially harvestable commercial finfish will increase by 325,000 pounds.

9.18

The water management units proposed will, at best, only retard the rapid degradation of the fish and wildlife resources, caused in part by past Corps activities in the Atchafalaya Basin. Present indications are that a gradual reduction in fish and wildlife resources, as compared to existing conditions, will still occur, even with water management units in place. At best, then, we can strive, through the management unit concept, to accomplish the formerly agreed-upon goal of maintaining, as nearly as possible, the 1972 environmental conditions in the Basin.

#### 7. Land Use Controls within the Floodway

9.19

In an attempt to expedite the present planning process, the Corps, in mid-1978, requested participating agencies in the ABAMG to recommend alternatives or features which each believed would accomplish the goals of facilitating flood control and of preserving the natural habitat of and maximizing public access to the Atchafalaya Basin Floodway. It was within the context of this request that the Department of the Interior through the Fish and Wildlife Service in October 1978 offered, for consideration by other participating agencies, a proposal to purchase, in fee title, all of the estimated 443,000 acres of privately-owned lands in the Atchafalaya Basin Floodway, with minor exceptions. The brochure entitled The Atchafalaya-America's Greatest

RESPONSE 9.18: The gains in productivity mentioned are based upon the assumption that existing water regimes could be maintained by building management units. Such is not the case. Water levels would decline either with or without management units in place. Moreover, management units would probably have a detrimental effect upon timber growth when such growth is compared to what would occur under future-without management unit conditions. Further studies are needed to address the total resource values and impacts of building management units over the entire lower floodway. It is interesting to note that the referenced Planning Aid Report claims an increase in potentially harvestable commercial crawfish of 59,000,000 pounds due to management units alone. The report of the US FWS consultant (Bell, 1981), indicates that the present maximum sustainable yield (MSY) of crawfish is only 43,000,000 pounds. When this number is analyzed in conjunction with the falling water levels that would occur even with management units in place, it is readily apparent that the MSY could not increase above the present level.

RESPONSE 9.19: According to the most recently updated appraisal figures, the cost of the proposed comprehensive multipurpose easements would be at most 60 percent of total fee value, not 75 percent.

River Swamp describes, in detail, the provisions of that proposal; the following is a synopsis:

The Department of the Interior (DOI) proposed that approximately 443,000 acres of privately-owned land within the Atchafalaya Basin Floodway between Krotz Springs and Morgan City, excluding developed ridge areas, be acquired by the Corps of Engineers to establish the Atchafalaya Fish, Wildlife, and Multi-Use Area. Mineral rights would be retained by present owners with exploration and extraction opportunity being essentially the same as now. Timber harvest would be for the primary purpose of optimizing fish and wildlife productivity and natural beauty, the result being a minor reduction in sawtimber yield as compared to industrial forestry practices. Camps within the Floodway, along perimeter levees and developed ridges, would not be affected; other camps within the basin would be retained by present owners for life. Flood control would be under Corps jurisdiction; management for fish and wildlife conservation and public use was proposed by DOI to be the joint responsibility of the Louisiana Department of Wildlife and Fisheries and the U.S. Fish and Wildlife Service. Commercial crawfishing, fishing, trapping, sport hunting, and general public use would be maximized.

The fee title purchase of lands, though certainly a most effective means to ensure protection of floodway flood control capability and environmental values together with maximizing public benefit, has more recently been replaced by the easement concept of land acquisition. A properly defined and administered comprehensive easement with provisions for public access has the potential of accomplishing the desired goals, but such a real estate easement approach is not without problems. It is estimated that the cost of such an easement could be 75 percent of total fee value. Furthermore, this easement would not absolve the present private landowners of liability for persons utilizing their lands under the public access provision.

In mid-1980, Governor David Treen, recognizing the urgency of the situation and the need to preserve the Basin and to provide public access, developed a State compromise real estate proposal for the Atchafalaya Basin Floodway. The plan essentially provides for: (1) habitat preservation via a non-conversion to agriculture and non-development easement over all privately-owned lands of the Basin and (2) public access to 105,000 acres of privately-owned lands via an access easement. A portion of the lands available for public access would be located in "greenbelt" corridors adjacent to pristine interior waterways. The Governor's plan has, thus far, received considerable support. The ABAMG met formally on November 17, 1980, and unanimously endorsed Governor Treen's real estate proposal.



9.19

The Louisiana Landowner's Association (an organization which represents owners of 80 percent of the privately-owned land in the basin) has surfaced 2 major points of contention in response to Governor Treen's proposal. As previously mentioned, the LLA's first concern is that with purchase of an access easement, rather than fee title, the present landowners would be liable for personal injury which might result when the public began to use these lands. The Corps agrees that this is, in fact, the case, but offers no solution to the predicament, short of acquiring full fee title acquisition. In this regard, perhaps one of the major attributes of the State proposal is its provision to allow acquisition of higher interests on Floodway lands, up to and including fee purchase, from willing sellers. The second concern is that providing corridor-type public access adjacent to a large number of interior waterways, via the greenbelt concept, would eliminate a majority of the preferred areas now available to private hunting clubs. Acquisition of access over large block-type tracts would apparently minimize the conflicts with the hunting clubs. On the majority of the present private property in the floodway where only the habitat preservation easement is proposed, a critical part of the easement is the requirement that non-regenerative forestry practices, particularly as related to cypress and tupelogram areas, be prohibited. Specific criteria for sustained yield forestry over all areas of the Basin are being developed under the leadership of the Louisiana Office of Forestry. We are very concerned that technically acceptable criteria have yet to be finalized. Such criteria should be incorporated as an integral part of the tentatively selected plan as soon as possible.

We support incorporation of the State real estate proposal into the TSP, while recognizing that the degree of public access provided for in that proposal does not fulfill the objective of maximizing public opportunity to observe and utilize the fish and wildlife resources of the Floodway. The proposal provides for no guarantee of access on overflow lands in the Floodway and provides for terrestrial access on approximately 25 percent of the privately-owned lands of the Floodway. In formulating the TSP, access to overflow lands is assumed to be secure, based on the belief that a legal access right on these overflowed lands presently exists. This assumption is of concern to us, since the Louisiana State Attorney General has been asked to render a legal opinion on this issue and has thus far not done so. As a basis for our support for the State real estate plan, we do assume that technically sound timber management criteria will be forthcoming from the State in support of the present language in Governor Treen's overall proposal.

#### 8. Management Entity

9.20

It was proposed early in the planning process that, to insure the proper implementation and operation of any plan selected, a management

RESPONSE 9.20: The Recommended Plan includes a management entity composed of the US Army Corps of Engineers and appropriate state agencies. Since both of these agencies employ very capable multidisciplinary staffs in fields of expertise more than adequate to manage all resources of the basin, there would be little gained by involving additional agencies, such as the US Fish and Wildlife Service or the Environmental Protection Agency. In fact, involvement of these other Federal agencies would result in duplication of effort and an unnecessary expenditure of tax dollars. Coordination and consultation with other Federal agencies would continue in accordance with the provisions of existing laws and regulations.

9.20

entity, consisting of the Corps of Engineers, the Environmental Protection Agency, the Fish and Wildlife Service, and appropriate Agency(s) of the State of Louisiana, would be established. The management entity would not, however, inhibit emergency flood control operations. We support the State real estate proposal and the Governor's request for State management of the Basin but also recognize the advisability of having a State/Federal multi-agency board to oversee that management program. As a minimum, in the absence of a joint State/Federal oversight board, we believe there should be a multi-agency State-level oversight board established. Provisions should furthermore be included to provide the public with the option to be involved in board actions through open board meetings and public testimony opportunity.

#### OTHER CONSIDERATIONS AND POINTS OF CONCERN

In addition to the concerns we have presented regarding specifics of the tentatively selected plan, several other, as yet, unreconciled issues merit consideration prior to final selection of a plan to be recommended for Congressional authorization. They include the following:

##### 1. Simultaneous Implementation

In a November 7, 1980 briefing of Washington-level personnel from agencies participating in the ABAMG, a Corps of Engineers spokesman advised that the forthcoming report (Phase I GDM) describing the TSP would be of sufficient detail to procedurally allow for implementation of the complete multi-purpose plan, including real estate features, in less than two years. Such was indicated in response to expressed Fish and Wildlife concern that a tremendous acreage of forested habitat might be cleared in the interim before the selected real estate easements could be implemented.

Since most flood control components of the TSP are currently authorized while most environmental components are not, it is possible that implementation of a single comprehensive plan may either occur in stages, with flood control features first, or not occur at all. We are seriously concerned to find that no recommendation is contained in the draft document which calls for the necessity of implementing both flood control and environmental features simultaneously. Implementation of flood control features without simultaneous implementation of environmental features could lead to serious impacts upon the unique wetland resources of the Atchafalaya Basin. The description of impacts contained in the Draft Environmental Statement is based upon the presupposed implementation of a complete TSP and, as such, would, in our opinion, require revision, should such not occur.

We believe that, in order to be in compliance with the Congressional Directives which precipitated this restudy of the Mississippi River and Tributaries Project, the Corps must develop a single plan for the

RESPONSE 9.21: In reality, it would be impossible to implement all plan features simultaneously, whether they be for flood control or for environmental protection. Additional detailed studies are needed for some recommended features prior to their being designed and built, while some plan features could be implemented in the near future. For example, little additional studies work is needed in order to complete the raising of the floodway protection levees while much work remains to be done to finalize the design for recommended channel training works. Both features are, however, already authorized. The Recommended Plan, therefore, proposes that all features of the plan be handled expeditiously so that implementation can be effected at the earliest possible date. In view of the severe and growing flood threat to southern Louisiana, it would not be in the best public interest to delay engineering design or construction of vital flood control works simply to await authorization of nonflood control features of the plan.

9.21

management and preservation of the Atchafalaya Basin which will provide for simultaneous implementation of all recommended features. We further believe that the June 18, 1975 letter from the Director of Civil Works of the Office of the Chief of Engineers directing the President of the Mississippi River Commission to combine both the previously authorized features of the Atchafalaya Basin Floodway project and potential features for resource preservation and management into a single study, is additional evidence that all features should be considered as components of a single plan to be recommended to the Congress for funding and simultaneous implementation. For these reasons, we believe that this report should recommend to Congress that implementation of all features be handled simultaneously.

## 2. Future-Without Project Condition

9.22

Water resource project analyses must be performed consistent with the U.S. Water Resources Council's Principles and Standards. These guidelines specify that net impacts of a project must be determined by comparing future-with and future-without project conditions. We believe that the Corps of Engineers has failed to define the true future-without project condition required under Principles and Standards. It used as the future-without project condition an environmental profile which has developed as a partial result of past Corps flood control activities along the Mississippi and Atchafalaya Rivers. This environmental profile includes future continuation of the destructive trend of excessive siltation, declining summer water levels, and induced land clearing for which the previous Corps flood control activities are, in our opinion, particularly responsible.

## 3. Period of Analysis of Project Impacts

9.23

Over the past few years, we have consistently disagreed with the Corps of Engineers regarding the time period over which this project should be analyzed. In early meetings of the ABAMG, we took the position that, since this planning process was inseparably linked to the Mississippi River and Tributaries (MR&T) Project, the multi-purpose plan to result from this effort should be viewed as a 100-year-life project. The Corps of Engineers took the position that the period of analysis should be 50 years. We relented at the time. Recently, we were notified that the Corps of Engineers was now considering the project to have a 100-year life. This recent realization that the project should have been analyzed over a 100-year period has left us with no quantitative data from which to project future impacts to be expected with continuation of the project for an additional 50 years. We are particularly concerned about such unknowns. Accordingly, we seriously question whether the present studies were of a depth, detail, and degree of reliability to satisfy the needs of this report for the project period beyond year 50.

RESPONSE 9.22: It is impossible to define a "true" future-without project condition in a study document that is being prepared for a partially completed flood control project which was begun over 50 years ago. To do so for this project, one would have to assume that no floodway protection levees are in existence and that the Old River control structure had never been built. If this were the case, then it would logically follow that the Mississippi River would have probably changed its course to follow the channel of the Atchafalaya and that most of the now existing wetlands of the floodway would no longer exist. Cypress swamps would now exist south of the Bayou Teche ridge in areas that were formerly marsh and Atchafalaya Bay would be marsh. These areas would have been silted in by the massive flooding that would have accompanied a change in the course of the Mississippi River. Moreover, one would have to assume that Morgan City and its environs would have been totally eliminated by the increased flooding. It should be apparent that from this reductio ad absurdum that development of a "true" future-without project condition would be ludicrous.

RESPONSE 9.23: The land use estimates for the 1980-2030 period are near the state-of-the-art. The quantitative continuation of such trends over an additional 50 years would have been possible, but the estimates derived would have been extremely speculative, at best.

4. Responsibility for Operation and Maintenance

9.24

Governor Treen has requested that the State be given management authority over all floodway lands once the prescribed real estate easements are acquired. We believe that the Congressional Directives which mandated this study, by virtue of the fact that they call for the development of a comprehensive plan to preserve and manage water and land resources of the Atchafalaya Basin, including provisions to reduce sedimentation and improve water quality and commercial and sport fishing (i.e., management units), clearly intended for such activities to be treated as integral to the project and its operation. Accordingly, we believe that the Corps is obligated to adhere to the provisions of its own regulations (ER 1105-2-129), which places the responsibility for operation and maintenance cost, particularly as related to water management units, which are integral to the project, with the Federal government. Governor Treen's real estate acquisition proposal does ask for such financial assistance as an integral part of the project. We support the appropriateness of the request.

5. Real Estate Management Program

9.25

Although all members of the ABAMG have agreed that the purpose of recommending acquisition of habitat preservation easements throughout the Atchafalaya Basin Floodway is to prohibit future conversion of forests to higher uses which would conflict with both flood control and environmental protection goals (e.g. agriculture and industry), the Corps of Engineers indicates the need to establish a real estate management program. Although the Corps of Engineers would apparently administer this program, it gives no indication of what types of activities would be allowed nor what criteria would be used in determining whether or not an activity should be allowed. Considering such unknowns, we are concerned that many activities, which would otherwise be prohibited under a habitat preservation easement, might be allowed. Without clarification of this issue, its merits and potential environmental affects cannot be established.

6. Assessments of Acceptability

9.26

Throughout the report/EIS we find that the Corps of Engineers has anticipated public opposition or favor for various plans with statements indicating, for example, that a certain plan "...is likely to be unacceptable to the majority of Atchafalaya Basin landowners, hunting clubs, and commercial fishing interests..." but may "...likely be acceptable to general environmental interests." We believe that this approach of subjectively predetermining public opinion relative to any proposed plan is not in keeping with presenting an unbiased, objective summary of recommendations and anticipated impacts based on quantifiable data. Furthermore, we believe that such assessments of acceptability may, by their very nature, lead a group or individual to

RESPONSE 9.24: The state has requested that management of nonflood control elements of the final Atchafalaya Basin plan be through State of Louisiana agencies. The US Army Corps of Engineers concurs with this course of action in accordance with a rationale presented in Appendix F, Section 7 - Recreation and Resource Management and in the Recommendations contained in the Main Report. Revenues collected by the state for public use of recreation facilities developed on Federal land would be retained by the state under appropriate lease agreements to help defray operation, maintenance, and replacement costs. Any other revenues generated by the state on Federally-controlled land under appropriate fish and wildlife management license or other agreement with the Corps of Engineers could be used for project resource management purposes. Such agreements have been cited in the report as justification in part for recommending 100 percent Federal financing in lieu of traditional cost-sharing for recreational facilities development. There is no funding mechanism available for the use of Federally appropriated operations and maintenance or general funds to support or assist such work by state and local entities.

RESPONSE 9.25: The US Army Corps of Engineers would administer all real estate interests and rights acquired for project purposes by the Federal government in accordance with authorizing legislation and other governing Federal laws and regulations. The real estate interests recommended for the project purposes of flood control, environmental protection, and public access are cited under Recommended Plan features in Appendix B and in the Main Report. Certain Federal interests would be administered by the state through appropriate license, lease, or other agreements.

RESPONSE 9.26: Present US Army Corps of Engineers' regulations require that assessments of acceptability be included in reports of this nature.

9.26 conclude that it should favor or object to one feature or plan without encouraging a proper individual evaluation.

7. Maximizing Natural Delta Formation

9.27 One of the five study objectives of this planning process included maximizing natural delta formation in Atchafalaya Bay while providing for navigation and passage of the project flood. Accomplishment of this objective was delayed, however, since the ABAMG agreed to do further study, with the intent of achieving this objective, after the report/environmental impact statement has been forwarded to the Corps of Engineers' higher echelon. This agreement hinged on another agreement that the TSP would not contain any feature which might preclude future options for maximizing delta development. We are now concerned that certain features of the TSP may, by their very nature, restrict our ability to maximize delta development. We trust that cooperative interagency studies to develop mechanisms for maximizing delta formation can be completed prior to the implementation of features which have the potential of prohibiting achievement of that objective.

8. Effectiveness of Section 404 Permitting in Preserving Natural Habitat

9.28 Consideration has been given to the possibility that the Section 404 permitting process may suffice to protect some Basin forested area from being converted to higher land uses. Such an assumption is highly questionable in view of the fact that clearing of floodplain forested wetland areas in the Mississippi Delta of Louisiana is occurring at the rate of over 70,000 acres per year, even with the Section 404 permitting process in effect. Furthermore, within the Atchafalaya Basin Floodway, alone, lands cleared for agriculture have increased by 30 percent within the last four years. Corps of Engineers figures from the report/EIS indicate that nearly 200,000 acres of forested area within the Atchafalaya Basin will be cleared for conversion to agriculture within the next 50 years if no land use controls are acquired. In view of this, we do not believe the Section 404 program will protect the forested wetlands of the Atchafalaya Basin.

9. Benefit/Cost Separation of Recreation Facilities and Land Use Controls

9.29 The development of benefit versus cost estimates for recreation facility usage and real estate easements was appropriately combined in earlier drafts of the report/EIS. We now find that the two aspects are being separated. We are of the opinion that the high rate of fish and wildlife and other recreational usage being projected for the TSP is not the singular product of additional boat ramps, camp sites, etc., but is more logically the combined result of both facility improvement and the proximity of these facilities to a unique fish and wildlife habitat area. Since the real estate easements address both public recreational access and habitat protection, it is not logical to separate the two.

RESPONSE 9.27: There appears to be no provisions of the Recommended Plan that would preclude future options for maximizing delta development. The possible change in the division of flow at the outlets from 70/30 to 80/20 includes a monitoring and evaluation program which would include studying delta formation.

RESPONSE 9.28: The US Army Corps of Engineers has never proposed to "save the Atchafalaya" via Section 404 legal restrictions. The possible future repeal of such regulations is recognized. Thus, the Corps is proposing to protect the entire Lower Atchafalaya Basin Floodway from clearing via a comprehensive multipurpose easement.

RESPONSE 9.29: According to general policy for the US Army Corps of Engineers, provision of outdoor recreation facilities will not normally influence formulation of basic project scope or design. Hence, the recreation purpose and costs are considered incremental. The bulk of projected annual recreational usage would be directly attributed to the proposed development of recreation facilities on 1,500 acres of acquired fee land. Although these developments were identified in the Recreation Resource appendix as support facilities for visitors who wish to pursue interests on the many acres of developed and publicly accessible lands and waters located throughout the basin; much of this recreation development would be self-sustaining, offering a wide spectrum of onsite recreational uses. The demand-need analysis of the project market area showed that a substantial need exists for the types of recreational development being recommended and that these facilities would be utilized even if the surrounding aquatic or terrestrial resources were greatly reduced beyond worst-case projections.

10. Endangered Species Aspects

On July 20, 1981, the U. S. Fish and Wildlife Service issued a Biological Opinion pertaining to the possible effects of the Atchafalaya Basin Floodway Project upon ten endangered and threatened species. The Opinion stated that the project with the exception of the Avoca Island Levee Extension is not likely to jeopardize the continued existence of the subject species and will likely have a long-term effect of benefiting the Endangered species which remain in the project area.

The impacts of the Avoca Island Levee Extension upon the bald eagle were not covered by this Opinion as the Service determined that insufficient information exists concerning the levee extensions impacts upon bald eagle habitat to allow preparation of a Biological Opinion on this portion of the project at this time. The Service is seriously concerned with possible negative impacts to bald eagle habitat resulting from construction of the first reach of the levee extension and cumulative effects which could result if construction of additional reaches is undertaken. Serious degradation of eagle habitat resulting from the project could result from (1) aggravated saltwater intrusion into the Terrebonne Parish marshes west of the Houma Navigation Canal (via the canal) due to decreased freshwater introduction from the Atchafalaya River, (2) saltwater intrusion into Terrebonne Parish marshes via an extended Avoca Island Cutoff Channel, and (3) decreased delivery of sediment loads to Terrebonne Parish marshes resulting in increased marsh degradation. A Biological Opinion on the Avoca Island Levee Extension will be prepared by the Service upon receipt of the additional information pertaining to the above mentioned comments which was requested in the July 20, 1981 Opinion.

RESPONSE 9.30: The Recommended Plan does not include immediate implementation of the extension of Avoca Island levee; therefore, the comments relative to the bald eagle no longer apply.





REGION 6

U. S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
P. O. BOX 3829  
BATON ROUGE, LOUISIANA 70821

August 4, 1981

IN REPLY REFER TO

Draft Feasibility Report/Environmental  
Impact Statement  
Atchafalaya Basin Floodway System

LMNPD-C

Colonel Thomas A. Sands  
Commander and District Engineer  
Department of the Army  
Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

We suggest that allowances be made for upgrading and expansion of the highway system within the basin when necessary. Federally funded actions would comply with NEPA and other applicable requirements.

Sincerely yours,

J. N. McDonald  
Division Administrator

RESPONSE 10.1: Should the Recommended Plan be implemented, there would be little need for highway system expansion. The plan would prohibit structures for human habitation within the project area and negate the necessity for additional highways. Improvement of existing highways in the future would not be prohibited, but controls governing such work would probably be more stringent.

10.1

J-67





DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

ADDRESS REPLY TO:  
COMMANDER (dp)  
EIGHTH COAST GUARD DISTRICT  
HALE BOGGS FEDERAL BLDG  
500 CAMP ST.  
NEW ORLEANS LA 70150

(FTS) 682-2961

16475

081

From: Commander, Eighth Coast Guard District  
To: District Engineer, New Orleans District Corps of Engineers

Subj: EIS on the Atchafalaya Basin Floodway System, Louisiana

1. Thank you for the opportunity to review the subject EIS and draft main report. No significant impact on any Coast Guard program is anticipated if the tentatively selected plan is implemented.

RESPONSE 11.1: Comments noted.

2. While there appears to be little impact to tug and barge navigation, there may be impacts on the oil and mineral industry, commercial fishermen, and recreational boaters. It is recommended that input from these interests be considered in finalizing the management plan.

*J. J. Lober, Jr.*  
J. J. LOBER, JR.  
By direction

Copy: Commandant (G-WS-1/12)

11.1

80-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VI  
1201 ELM STREET  
DALLAS, TEXAS 75270

August 21, 1981

Colonel Robert C. Lee  
District Engineer  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Lee:

This is written to acknowledge that my letter of June 19, 1981 to Colonel Thomas Sands concerning the Draft Environmental Impact Statement (EIS) and Feasibility Report on the Atchafalaya Basin Floodway System, Louisiana, will stand to satisfy EPA review responsibilities, as established under Section 309 of the Clean Air Act. That letter reflects our evaluation of the EIS and was printed and circulated along with the EIS and another evaluation prepared by the U.S. Fish and Wildlife Service.

Be advised, however, that prior to your completion of the Final EIS, my staff will conduct additional evaluations of several of the issues highlighted in that letter. In addition, we will be focusing our attention on the material in your report styled Appendix G, Section 9 - "Section 404(b)(1) Evaluation." Your staff has assured us of your intent to refine that evaluation for inclusion in the Final EIS and we intend to complement their efforts by exchanging data and submitting our recommendations regarding, in particular, spoil placement.

Thank you for your cooperation.

Sincerely,

Frances E. Phillips  
Acting Regional Administrator

cc: Colonel Thomas Sands

RESPONSE 12.1: Comments noted.

12.1

69-1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VI  
1201 ELM STREET  
DALLAS, TEXAS 75270

June 19, 1981

Colonel Thomas A. Sands  
New Orleans District Engineer  
Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

We enclose the Environmental Protection Agency's "minority report" on the Draft Environmental Impact Statement (EIS) and Draft Report on the Atchafalaya Basin Water and Land Resources Study, as we understand the final version of those documents. While we support much of the Tentatively Selected Plan (e.g., real estate plan, those management units recommended, 70/30 flow distribution at Old River, etc.), we differ with regard to some features. Those differences are briefly identified in the enclosure.

We request that following the comment period, further consideration be given to these matters and that we have an opportunity to discuss them with the District.

We request that this letter and the enclosure be published with and as part of Volume 1 of the Draft EIS and Report.

Sincerely,

*Frances E. Phillips*

Frances E. Phillips  
Acting Regional Administrator

Enclosure

RESPONSE 12.2: Comments noted.

RESPONSE 12.3: This letter and the inclosed "minority report" were mailed, under separate cover, to everyone that received a DEIS.

EPA Observations on the Atchafalaya Basin Floodway System, La.:  
Feasibility Report and Draft Environmental Impact Statement

The U.S. Environmental Protection Agency (EPA) has participated in the development of these documents both as a participant in the congressionally established Atchafalaya Basin Agency Water and Land Resources Study and as a cooperating agency in the project development and planning process as established by the National Environmental Policy Act. The objectives agreed to by the participating agencies for a multipurpose plan for the Atchafalaya Basin were defined in such a way as to focus on: (1) developing an efficient flood control system; (2) retaining and restoring the unique environmental features of the Basin as well as maintaining and enhancing the long-range productivity of the wetlands and woodlands; (3) providing for agricultural activities and mineral development in such a manner as to avoid interference with the goals relative to flood control and environmental protection; (4) maximizing natural delta formation in the Atchafalaya Bay while providing for navigation and passage of the project flood; and (5) maximizing public accessibility to the Basin in order to observe and utilize the fish and wildlife resources.

On the basis of these objectives, a number of alternative plans were developed which would all accomplish the flood control objective and which would realize the other objectives to various degrees. From among those plans, a tentatively selected plan (TSP) was identified by the U.S. Army Corps of Engineers based on their perception of the overall needs of the multiple interests.

As with all of the plans, the TSP contains two main groups of features. The first group comprises real estate provisions which would be necessary for implementing a land and water resources management plan. The second group encompasses the management features which individually and/or jointly address the needs related to flood control, the biological resources associated with annual overflow, the wetland complex south of Morgan City (including the Terrebonne marshes), and the mechanism by which ongoing management will be undertaken.

With the objectives for land and water management established, it became necessary to develop a land use plan that would provide adequate governmental real estate interests for implementing the resource management decisions. The development of real estate provisions, which would afford necessary protection and enhancement of the flood control and environmental resources in a manner compatible with existing land and water uses, represented a major element in the overall planning process.

RESPONSE 12.4: Comments noted.

On October 5, 1980, EPA submitted its preferred real estate plan to the Agency Management Group (AMG) as did each of the other agency members. From these initial proposals, the real estate plan included as the TSP was forged. We believe that the real estate features of the TSP present a reasonably balanced framework for implementing a comprehensive flood control and resource management scheme while recognizing, and accommodating to the extent possible, the other competing pressures and interests.

- 12.4 In addition to the real estate category, we believe that several of the management features of the TSP are appropriate. These include the 70/30<sup>1</sup> flow distribution through the Old River Control Structure, channel training (as opposed to dredging of a 100,000 square foot channel), and those management units recommended with the proviso that others would be implemented when appropriate. These features which we believe compatible with the study goals are generally those resulting from full, if lengthy, discussion by the AMG, including input from the public.

There are other features of the TSP, however, with which we maintain substantial reservations, as we have throughout the planning process. EPA's review of the documents comprising the Draft EIS and Feasibility Report was a review of those documents as they existed on June 11, 1981. On this date, it appears to EPA that the study recommendation includes a commitment to consider operating the Old River Control Structure so as to limit river stages at Acme, Louisiana, to 45 feet during the months of May, June and July, while maintaining a 70/30 split of the flows between the Mississippi River and the Atchafalaya Floodway on an annual basis (without specifying the extremes between which flows or percent of flow would be allowed to vary).

- 12.5 Maintenance of the 70/30<sup>1</sup> split of flows through the Old River Control Structure has represented a consensus view of the AMG for some time. The imposition of a 45 feet stage limit at Acme as a part of the study recommendation is new, the possibility having been just announced to the AMG as the subject of a study request in May 1981.

Thus, as to the Acme stage limit variation in operation of the Old River Control Structure, EPA occupies the role of a reviewer, not that of a participating agency in reaching the decision to include it in the study recommendation. Had this variation been the subject of AMG discussions, EPA would want to explore thoroughly the impact of this limitation of water levels during these months on aquatic resources, particularly fisheries. We would also need to consider whether a decision to impose the limit represents a balance of interests which is compatible with the study goals.

RESPONSE 12.5: The Recommended Plan no longer contains a provision for short term variations in operation of Old River control structure to hold stages to 45 feet at Acme during May, June, and July. The rationale for retaining the authorized 70/30 distribution of flows with no variation is explained in Appendix B.

<sup>1</sup> On an approximately daily basis, subject to the possibility of temporary increases of the 30% during dry years.

12.5

EPA's interest in this evaluation is heightened by (1) the identification (in the EIS discussion of Environmental Effects) as a data gap of the possible impact of varying the operation of the Old River Control Structure in the future to either increase or decrease flows into the floodway during May, June and July, and (2) the lack of indication (in the TSP discussion of this feature) that this data gap will be filled by review of other than operational procedures. Based on the information currently on hand, it would appear that the imposition of a single purpose overflow limitation in late spring and early summer, which is a critical time for both sport and commercial fisheries production, might work against the efforts to maintain benefits from the aquatic environment.

EPA believes it will be in a review, as opposed to a participatory or planning, role as to any recommendations beyond the first extension of the Avoca Island Levee. We are greatly concerned about the proposed first extension both because insufficient data exists to evaluate impacts of the full consequences and because EPA views the first extension of the Avoca Island Levee as a practical commitment to the full extension. There is a recognized need for further study, in which EPA is assured no participating agency role.

Apart from the foregoing instances where we would wish greater participation in the decision ultimately reached, we offer the following comments on various features of the TSP.

1. Avoca Island Levee Extension

12.6

The proposed extension of the Avoca Island Extension by approximately 16.5 miles includes a provision to limit the initial extension to 14,000 feet. This decision is based on the lack of adequate data with which to properly assess the impacts of a levee extension, whether it be a 14,000 foot or a 16.5 mile extension. We agree that insufficient data is currently available to assess the environmental impacts and flood control benefits associated with this proposal and our conclusion is that none of the extension work should be proposed prior to acquisition of the appropriate data. The proposal for even the 14,000 foot initial extension represents an irrevocable commitment with adverse environmental consequences. This is particularly significant in that there is an alternative (ring levees) available at what was initially estimated to be comparable cost without the adverse environmental impacts. The ring levee option addresses all sources of flooding in the areas within the ring levees whereas the levee extension addresses only one source. Future damages from flooding on agricultural land outside ring levees may be more than offset by presently unknown losses to commercial fisheries and other environmental values associated with the levee extension.

RESPONSE 12.6: The Recommended Plan does not contain a provision for extending the Avoca Island levee by 14,000 feet as an interim measure. The future extension of this levee and/or other structural or nonstructural measures associated with backwater flooding protection in the area northeast of Morgan City would only be implemented after additional studies to more fully evaluate possible engineering and biological impacts are completed. It must be noted that when operation and maintenance costs are considered, ring levees would be more costly than the levee extension.

12.7

The purpose of the Environmental Quality (EQ) Plan includes alleviation of specific problems, while taking advantage of specific opportunities for environmental enhancement. The levee extension feature should not be part of the EQ Plan because of the generally acknowledged (although presently unquantifiable) adverse impacts. The projected environmental benefits of saving 200,000 acres of cypress are unjustified.

12.8

The adverse impacts of this 14,000 foot extension compounds the damage to the Terrebonne marshes already induced by the existing levee and is a causative factor in continuing marsh degradation. Damage to the marshes results both from the reduced water flow and sediment deposition into the marshes. Marsh losses are understated because of two factors: (1) no effects are acknowledged with regard to the brackish marsh systems; and (2) the acceleration of marsh loss over that directly induced by the levee extension was calculated to be approximately 2600 acres, according to a linear extrapolation. Historic patterns and recent observations, however, clearly establish an exponential rate of marsh degradation.

J-74

12.9

The assessment of ecological impacts from the levee extension is also misleading with regard to the effects upon salinity regimes. The reports rely on the speculative success of the proposed freshwater diversion structures as a basis to avoid consideration of the largely unknown influences of water circulation and salinity regimes. Considering the ecological significance of these factors, appropriate time and sources should be dedicated to gathering and evaluating such data prior to a decision to proceed with the levee extension.

## II. Delta Building

12.10

The objective of delta building should be accomplished by development and implementation of a plan that ameliorates the adverse impacts of the navigation channel and uses the water and sediment supplied by the Atchafalaya River as a basis of management. A commitment should be documented in these Corps of Engineers reports to develop such a plan in coordination with the US EPA, US Fish and Wildlife Service and appropriate Louisiana State agencies.

12.11

These reports lead to the conclusion that the objective of maximizing delta growth is accomplished incidentally by way of the influences of other project features. This is not the case. In fact, these reports present an overstatement of projected future delta growth. An estimate of 135,000 acres was calculated according to projections which did not take into account the effects induced by the navigation channel. This projection also failed to incorporate present knowledge of the effects of the navigation channel on the transport of sediment through the delta. Delta growth throughout the next 50 years should not be expected to exceed 50,000 acres. As a consequence of significantly overestimating future delta growth, the assessments relating to marsh loss as a result of the Avoca Island Levee Extension are significantly understated. The assessment is notably in error in assuming that the losses from the Terrebonne marshes will be offset by delta growth expected either under the no action alternative or any of the other project alternatives.

RESPONSE 12.7: Environmental benefits to forest lands which might accrue from extension of the Avoca Island levee are real. There is adequate evidence to indicate (as was pointed out by professional foresters at the public meetings held during July 1981) that the continually rising water levels in the backwater area east and northeast of Morgan City are harming forest growth. This is especially true in bottomland hardwood forests. If, in the future, the duration of flooding of the bottomland hardwood and cypress-tupelo forests continues to increase, then growth and reproduction of the more desirable species for lumber production will be hindered even more. Some uncertainty does exist concerning existing magnitude of this problem and its possible severity in the future. The magnitude of marsh and fishery losses that could occur if the Avoca Island levee were extended could well prove to outweigh the losses to timber production that would occur if the levee were not extended. The additional studies of the backwater complex noted in Response 12.6 would provide a better data base for assessing such impacts.

RESPONSE 12.8: As explained in response 12.6 above, the Recommended Plan proposes to delay implementation of the Avoca Island levee. The NED plan does include implementation of the first reach. Since the brackish marsh is located 9 miles from the first reach, it is highly improbable that the 14,000-foot extension would affect sediment and nutrient transport to this area. Marsh loss data obtained between 1956 and 1978 reflect an exponential rate as stated and was considered as such in the analyses.

RESPONSE 12.9: Reference response 12.6 concerning the recommendation for delaying implementation of the Avoca Island levee extension. However, it should be noted that the design capacity of the freshwater structure was based on the estimated quantity of flow that the levee extension would prevent from entering the Terrebonne marshes during low to normal Lower Atchafalaya River discharges. Since the proposed freshwater structure would keep flows into the marshes unchanged during those periods when saltwater intrusion would be most probable, this would result in the levee extension having no effect on existing salinity regimes in the Terrebonne marsh. Implementation of the levee extension would be made only following the completion of data gathering studies and further evaluation.

RESPONSE 12.10: A plan can best be developed upon completion of ongoing model studies of the delta. The Recommended Plan would not preclude such an effort in the future.

RESPONSE 12.11: All existing and reasonably prospective factors, including the navigation channel, were considered in the estimates of delta growth. While such estimates are necessarily not precise, the estimate of 135,000 acres is far more supportable than would be a figure as low as 50,000 acres. The marsh loss assessments do not assume that future delta growth would offset loss of fresh, brackish, or saline marsh. Population estimates for fish and wildlife do include future delta development since that land would be available for habitat.



### III. Management Units

EPA strongly supports implementation of all management units (MU) as the best means for retaining the productive aquatic environment and associated values. We believe the MU concept to be far preferable to pragmatic or isolated activities (such as canal closures) as a substitute for an integrated MU plan. It is to be hoped that the multi-agency implementation approach recommended in the TSP will not only consider assurances of the greatest number of units but also optimum design and implementation.

Apart from the question of how many MU's will be implemented, EPA is concerned that the appropriate hydrograph be used in the design of the MU's. We understand that the Corps has recently generated new hydrographs for the floodway which might not prove to be the most applicable hydrographs for accomplishing the objectives relative to management units. The MU, as noted in the Feasibility Report, is intended to mimic the historic water regime, as evidenced by the 1949-1974 period of record. The objective to be achieved through this overflow pattern is preservation of the aquatic and terrestrial resource present during the record period.

Historic overflow depths as a function of time are represented by the desired (or aquatic ecosystem) hydrograph (DH). Representative curve shapes are more nearly reflected by the "shifted" annual average hydrograph (SAAH). Habitat impacts over the project life which can be perceived by comparing the SAAH with the DH should be recognized as apparent changes in habitat which result from different methods of portraying the same hydrologic conditions. The apparent difference results from the fact that the SAAH portrays an elevation on June 15 (in the Henderson MU) which is 2 feet lower than the historical (gauge) elevation at least half the time for this date over the record period.

In addition, a major oversight regarding the management unit evaluations should be remedied. Although the environmental enhancement benefits attributed to the management units are compelling, the flood control benefits are also significant and should not be overlooked. The bulk of the sedimentation has been demonstrated to occur in the management unit areas at flows of 300,000 to 400,000 cfs. At rates below 400,000 cfs., management units would provide for significant control of sediments through the water pathways. This means that of all the sediments entering these areas now, the 75 percent entering at flows of less than 400,000 cfs. would be controllable and up to one half of that amount of deposition could be reduced by virtue of appropriate management unit inlet and outlet structures, while providing adequate flows to satisfy fish and wildlife requirements. Additional flood control benefits would be realized through the elimination

RESPONSE 12.12: Studies indicate that a sufficient data base does not exist to justify a recommendation that all management units be built. There are differing opinions among the fishery biologists who have been consulted concerning whether these units would or would not create a productive aquatic environment. On the other hand, there is a virtually total agreement that certain canal closures and circulation improvements would bring immediate benefits to the aquatic environment. It is readily apparent to the US Army Corps of Engineers that existing information does not make it possible to develop an integrated management unit plan for the entire floodway. Thus, pilot units are recommended for further study prior to implementing additional units.

RESPONSE 12.13: It has been concluded that the appropriate hydrograph to use in preliminary design of the management units would be the shifted average annual hydrograph. This hydrograph more nearly reflects the existing water regime during an average year than does the so called "desirable" hydrograph (see Appendix G for a discussion of these hydrographs). If it were possible to achieve the "desirable" hydrograph annually, then this action would result in the creation of a water regime that would annually inundate certain lands within the management units for a longer period of time than currently occurs. This could have adverse consequences for terrestrial wildlife and timber resources which have become adjusted to the existing water regime. Concern over which hydrograph to use in management unit design may prove to be irrelevant in the long run, however. Data indicate that it will be impossible to maintain existing water regimes regardless of what hydrograph is used in the design of individual management units.

RESPONSE 12.14: The claim by the US EPA of flood control benefits for management units is based on the concept of the unit reducing the flow, and thus the sediment diverted to the overbank area. While for some areas and discharges the units would reduce flow to the overbank area, there are several effects of the management units which would counteract this apparent benefit. These effects would result from the facts that: (1) The reduction in flow throughout the areas coupled with no change or an increase in stages would result in slower velocities which would cause a larger percent of the sediment to deposit; (2) The changing of some areas from ones affected by backwater to ones affected by headwater would result in an increase in the amount of sediment conveyed to the areas; (3) All investigations of the units assumed all the confining levees in place; however, only portions of the confining levees would be initially constructed while the remaining ones would be left to develop naturally. This would negate some of the reduction of flow caused by the unit concept, particularly in the early project years when sediment deposition is expected to be greater than in later years; and (4) The management units would be ineffective during flood flows when sediment deposition occurs throughout the floodway. For these reasons, the effect of management units on flood stages, either positive or negative, would be nominal.

12.14

of high velocity flows from specific canals due to the nature of the sediments excluded and the depositional patterns of those entering the MU areas. Further, of the remaining 25 percent for which management units would not provide any direct controls (flows in excess of 400,000 cfs.), because they would be overbank flows, the sediments would mostly be deposited on the natural levees, rather than in the channels.

#### IV. Management Entity

12.15

The true multi-purpose nature of this project is evidenced by many presently identified studies (e.g., Avoca Island levee studies) and engineering activities proposed for the future. A continuing multi-disciplinary planning group would be required to assure adherence to, and effective implementation of, a multi-purpose project. Moreover, the introduction of activities in the Basin, such as increased public access and manipulation of water levels, requires continuing planning and management as an alternative to management by confrontation. No such continuous planning and management structure presently exists at the Federal level. Although the State of Louisiana has expressed interest in this role, it has indicated it cannot fund the effort required. In addition, a broader range of legal authorities and disciplines is needed in the management group than the State alone can provide.

#### V. Authorization and Implementation

12.16

Implementation of previously authorized flood control features while other features proceed through the authorization process may remove an incentive which could otherwise exist for quick action on the unauthorized features. While at first blush, this is desirable for early implementation of the flood control features, there are instances where flood control and environmental features go hand in hand. As a practical matter, we are seriously concerned that the environmental features might be delayed indefinitely. This would result in failure to meet the goals and objectives of the project. All aspects of the project are closely interrelated. Since this represents an opportunity for a new and fresh start on implementing an integrated Atchafalaya Basin plan, every effort should be made to maintain the total plan intact throughout the authorization and funding process.

#### VI. Channel Training Below Morgan City

12.17

We do not believe there is an adequate rationale given for proposed channel development work below Morgan City. As cited, the purpose of this feature is to limit sedimentation in the marsh areas. However, there is also a provision for leaving gaps in the training works and leaving the canals open for purposes of marsh nourishment and transportation. Our conclusion is that channel training, while beneficial elsewhere on the Atchafalaya River, is unnecessary here and may be ultimately counterproductive.

#### VII. Old River Control Structure

See introductory discussion.

RESPONSE 12.15: Due consideration was given to the management entity concept, and it was determined that the US Army Corps of Engineers would retain sole responsibility for flood control in the Atchafalaya Basin and environmental and recreation features of the plan would be operated and maintained by appropriate state agencies under license and lease agreements with the Corps. Both the State of Louisiana and the US Army Corps of Engineers employ the wide range of personnel expertise and disciplines necessary to effectively manage all aspects of the project.

RESPONSE 12.16: This report recommends that the nonauthorized features of the Recommended Plan be implemented as rapidly as possible; however, authorization is at the discretion of the Congress.

RESPONSE 12.17: The rationale for channel training below Morgan City is the same as that for channel training above Morgan City. The channel training works would act to increase the amount of flow confined to the channel, which, in turn, would hasten the maturation of the channel and reduce the overbank sediment deposition. Gaps would be left in the channel training works below Morgan City to provide for continued marsh nourishment.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VI  
1201 ELM STREET  
DALLAS, TEXAS 75270

December 23, 1981

General Thomas A. Sands  
U.S. Army Corps of Engineers  
North Atlantic Division  
90 Church Street  
New York, N.Y. 10007

Near General Sands:

On October 23, 1981, members of our staffs met at the New Orleans District office to discuss EPA's detailed draft review of Appendix G (Fish and Wildlife and Related Data), Section 9 (Section 404(b)(1) Evaluation), Atchafalaya Basin Floodway System Feasibility Report. The following outline is a summary of the recommendations documented in that report:

1. Existing Levees

- 12.18 | a. During dredging operations limit water exchange between borrow area and surrounding wetlands.
- 12.19 | b. Select location of borrow area so as to minimize rapid drainage of adjacent wetland areas during stage recession. This may be accomplished by isolating borrow areas by means of location, by means of structural measures (plugs, dams), or by means of limiting connection with adjacent borrow pits.
- 12.20 | c. Water bodies not utilized for borrow, but adjacent to levee section being raised, should be protected from sediment introduction through runoff.

2. Channel Training

- 12.21 | a. Training levees should be fully contained.
- 12.22 | b. All effluent should go to Main Channel.
- 12.22 | c. Training levees should follow Main Channel bank along south side of Six Mile Lake.
- 12.23 | d. To mitigate for limiting effects of training levee and Wax Lake Outlet (WLO) levee on overflow along south side of Six Mile lake, inflow and outflow structures should be included in training levee for that segment.

RESPONSE 12.18: At the present time, berm material for levees is excavated in the wet from adjacent borrow pits and causes some turbidity in surrounding wetlands. Material for the main portion of the levee is excavated in the dry and thus causes essentially no turbidity. The only possible way to limit water exchange between borrow areas and surrounding wetlands would be to excavate all material in the dry. This would be environmentally undesirable because it would triple the present borrow requirements.

RESPONSE 12.19: Occasionally expansion of existing borrow pits or construction of new ones could accelerate drainage of adjacent wetlands. This would be prevented by structural means such as plugs, dams, or low levees to replace natural ridge.

RESPONSE 12.20: Since most material for levee raising would be taken from adjacent borrow, it would be rare that an adjacent water body would not be utilized. In the few cases where such a water body is not used, it is often a navigation channel with high ambient turbidity. Therefore, adverse impacts due to sediment introduction would be especially minor, since all excavation is by bucket dredge. The only feasible method of reducing runoff would be construction of a low dike along the berm. Construction of this dike would engender nearly as much turbidity as berm construction.

RESPONSE 12.21: Channel training works above Morgan City would be fully contained by levees and all effluent would be returned to the main channel.

RESPONSE 12.22: The channel training works would follow the main channel bank from miles 90.0 to 101.0 and from miles 105.0 to 116.0. From miles 101.0 to 105.0, these works would be contiguous with the low levee to guide the outlet distribution. This levee would not be immediately adjacent to the river but would be along the northern portion of Cypress Island. The levee would be higher than the channel training works because it would be designed to be overtopped once every 10 years, on the average.

RESPONSE 12.23: Low spots would be left in the channel training works at approximately miles 105.0 and 113.0 to allow inflow and outflow in the Tiger/Morgan Island area.

J-77

12.24

3. Distributary Realignment - Use Jake's Bayou instead of dredging new channels to connect East Access Channel with Main Channel.

12.25

4. Channel Training Below Morgan City

12.26

- a. No channel training below Morgan City until comprehensive plan has been developed for the area.
- b. If analysis shows absolute necessity of channel training below Morgan City and the benefits warrant disposal in wetlands, spoil should be fully contained.

12.27

5. Outlet Flow Distribution

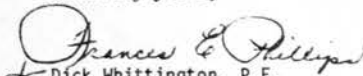
- a. Place levee along channel bank along Wax Lake Outlet instead of through center of wetland between WLO and Main Channel.
- b. Locate borrow pits on inside of levee to provide permanent aquatic habitats.

12.28

6. Avoca Island Extension - Eliminate this feature and study alternative actions.

I hope this review will assist you in preparing the Final Environmental Impact Statement and Feasibility Report.

Sincerely yours,

  
Dick Whittington, P.E.  
Regional Administrator

RESPONSE 12.24: Use of Jakes Bayou/Bloody Bayou/West Fork of Bayou Pigeon/Bayou Sorrel to realine the East Access channel would not be feasible from an engineering standpoint. The channel is utilized for navigation and must be dredged to a depth of minus 7 feet N.G.V.D. and a width of 80 feet. The route proposed in comment 7 is narrow and shallow and would require extensive dredging. This dredging would be costly and the disposal would destroy woodlands. Also, this route is exceptionally torturous and would be difficult to navigate.

RESPONSE 12.25: Channel training below Morgan City would lower the flowline and thus reduce the cost of the protection levees. This feature is part of a comprehensive plan for the area and would be implemented in the most environmentally acceptable manner possible.

RESPONSE 12.26: Present analysis indicates the necessity of channel training. Dredged material would not be contained because recent publications indicate that marsh adjacent to the Lower Atchafalaya River and Wax Lake Outlet are deteriorating (Wicker et. al., 1980 and Adams and Bauman, 1981). By allowing unconfined disposal, more marsh could be created in these areas.

RESPONSE 12.27: The levee for outlet flow distribution would be built along the highest point of Cypress Island and would be contiguous with the channel training works. The borrow would be on the south side where it would remain as aquatic habitat for slightly longer than if it were adjacent to the main channel.

RESPONSE 12.28: The Recommended Plan delays implementation of the Avoca Island levee extension and/or other structural or non-structural features for reducing backwater flooding until completion of detailed studies.

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Lincoln Center, Suite 881 • 5401 W. Kennedy Blvd.  
Tampa, Florida 33609 • Phone: 813/228-2815

00.AUG.81\*001747

August 20, 1981

Colonel Thomas A. Sands  
Department of the Army  
New Orleans District, Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160

Reference: LMNPD-C

Dear Colonel Sands:

The Gulf Council has reviewed the feasibility report/environmental impact statement (EIS) on the Atchafalaya basin floodway system. Our review was conducted on the basis of the project's probable impact on fishery resources. As you may recall from our previous correspondence, this Council is charged by the U.S. Congress under Public Law 94-265 to develop, review, and monitor management plans for important fish and shellfish in the Gulf of Mexico.

13.1

The plan as proposed would have serious and adverse impacts on marine fishery resources, particularly shrimp for which Secretary of Commerce Baldrige has implemented a management plan on May 22, 1981, and which is now federal regulation. The plan notes the continuing decline in the quality and quantity of estuarine and associated inland habitats, and it encourages adequate habitat protection measures to federal agencies including the Corps of Engineers (Fed'l. Reg., Vol. 45, No. 218, Nov. 7, 1980, p. 74298).

RESPONSE 13.1: Comments noted.

13.2

The Avoca Island Levee extensions proposed in the EIS would significantly reduce habitat area for juvenile shrimp and would result in decreased harvests in the bays and offshore in the Gulf. This major deficiency in the proposed work is emphasized in the EIS itself (p. EIS-129) which acknowledges the "sketchy" data used to calculate impacts from the Avoca Island Levee such that actual adverse impacts may be much greater.

RESPONSE 13.2: See Response 3.2.

J-79

Colonel Thomas A. Sands  
August 20, 1981  
Page Two

13.2

We recommend that you consider substituting the ring levee system in the place of the Avoca Island Levee extensions. Every responsible agency which helped develop this feasibility report -- the Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Louisiana Department of Wildlife and Fisheries -- has advocated the ring levee system. Such a system not only has the potential to increase fish and wildlife production, but it also eliminates any adverse environmental impacts, addresses all types of flooding, and costs no more (and possibly less) than the Avoca Island Levee extensions.

13.3

In conclusion, we support design features for this project which would maximize marine life productivity, minimize habitat destruction, and insure efficient expenditure of public funds. Thank you for the opportunity to review this document.

RESPONSE 13.3: Comments noted.

Sincerely,

*Bobby G. O'Barr*

Bobby G. O'Barr  
Chairman

BGO:VJB:jak

cc: Gulf Council  
Reg. Adm., EPA, Dallas  
Reg. Adm., FWS, Atlanta  
Harold Allen, Acting Reg. Dir., NMFS  
Staff

J-80



FRANK A. ASHBY, JR.  
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

B. JIM PORTER  
ASSISTANT SECRETARY

OFFICE OF ENVIRONMENTAL AFFAIRS  
June 26, 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

RE: Atchafalaya Basin Floodway System  
Draft - LMNPD-RE

Dear Col. Sands:

The above referenced matter concerning environmental quality has been received and reviewed by the administrative staff within the Office of Environmental Affairs, Department of Natural Resources. From the information contained in the package sent to our office, the administrative staff issues a no objection on this particular project. The rules and regulations governing this project should continue to be in full compliance with all State and Federal regulatory agencies.

We appreciate this opportunity to participate in the review process.

Sincerely,

WILLIAM J. MOLLERE  
Chief Administrative Officer  
Office of Environmental Affairs

WJM:ala

RESPONSE 14.1: None required.





FRANK A. ASHBY, JR.  
SECRETARY

DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF FORESTRY  
(LOUISIANA FORESTRY COMMISSION)

D.L. McFATTER  
ASSISTANT SECRETARY AND  
STATE FORESTER

August 20, 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
New Orleans District, Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

Re: Draft Feasibility Report/Environmental Impact Statement of the Atchafalaya Basin Floodway System, Louisiana Volume 1 - Main Report and EIS; Volume 3 - Appendixes C through H; Minority Reports of the USDI, Fish and Wildlife Service and the U.S. E.P.A.

Dear Colonel Sands:

We have completed a review of the above captioned reports and you will find our comments attached to this introductory letter. Understandably, this agency's expertise lies with forestland and its associated values and we have taken great pains to limit our attention and comments to these specific areas.

Before going into the specific comments of the various reports, allow us to make a few general observations:

- Natural plant succession is a very real phenomenon in the project area and it has been accelerated by man's activities. Attempts to impede this natural process will only succeed in slowing it down. Eventually, the bulk of the floodway will consist of late successional bottomland hardwood forests. This would be the most productive situation from a forest resource standpoint if easements and/or inducements existed which would eliminate conversion of these lands to agriculture.
- It is obvious throughout the reports that the preparers made a concerted effort to avoid linking the term "clearcutting" with "conversion." However, there is significant inference that clearcutting is a nonregenerative harvesting method. Research and common practice have shown that clearcutting is the best method of regenerating baldcypress stands. The

RESPONSE 15.1: Granted, from a forest resource standpoint, late successional bottomland hardwoods are very desirable; however, development of forests was not a prime objective of this project. Some of the features of the Recommended Plan, management units, sediment control and real estate, provide measures designed in an attempt to preserve the existing conditions and to preclude significant gains or losses in any of the forest (habitat) types in the lower floodway during the project life.

RESPONSE 15.2: Because of the past activities in the project area, there is a perception that "clearcutting" and "conversion" are synonymous; but the Recommended Plan does not restrict clearcutting when applied beneficially to preserve or propagate the resources. Specifically, clearcutting for cypress regeneration would be sanctioned, along with water level and inundation period regulation, for some areas of the cypress-tupelo swamps. Beneficial impacts of this action are addressed in section 6 of the EIS.

15.2

problem is the water level and not the cutting level. If baldcypress stands are to remain an integral part of the floodway, clearcutting and reduced water levels at critical periods will have to be implemented.

15.3

- We want you to be assured that the Louisiana Office of Forestry is ready, willing and able to insure that proper forest management is practiced throughout the plan area. In order to perpetuate the forested diversity which exists within the floodway many silvicultural activities will be ongoing. If we get "hung up" on preservation, sometime in the future, the Atchafalaya Basin will be viewed as the largest cavity-nesting bird sanctuary in the world.

We realize that the Corps has had to "lend an ear" to many diverse interests in formulating these drafts and we commend them for their thorough job.

Thank you for including us in your review process and we are looking forward to the final plan and review.

Sincerely,



D. L. McFATTER - STATE FORESTER

GAR

Attachment-1

RESPONSE 15.3: The Recommended Plan is not designed to prohibit silvicultural activities throughout most of the floodway. It does, however, recognize the need for preservation of certain areas where natural processes alone can operate. In such areas, cavity-nesting birds would no doubt be abundant.

LOUISIANA DEPARTMENT OF NATURAL RESOURCES, OFFICE OF FORESTRY  
COMMENTS ON DRAFT EIS, APPENDIXES, AND MINORITY REPORTS,  
ATCHAFALAYA BASIN, LOUISIANA

Draft Main Report and EIS - Volume 1

15.4

- Page 88, last sentence, "Forested unknown". Terminology is inconsistent with the numerous assumptions and predictions made in previous and following paragraphs.

15.5

- Page 211, Table 26, Item 7. Only includes mid-to-late successional bottomland hardwood acreage of 332,000 acres at \$14/acre value. For Base 1980 we submit a figure of \$16,961,500 based on \$25/acre value for 332,000 acres of mid-to-late successional bottomland hardwoods; \$25/acre value for 93,900 acres of early successional bottomland hardwoods; \$14/acre for 451,000 acres of Cypress-Tupelo swamp.

The values/acre computed assume an average stumpage price of \$55/MBF Doyle and annual growth increments of 450 BF Doyle for bottomland hardwoods and 250 BF Doyle for Cypress-Tupelo.

In addition, hardwood sawtimber prices over the last ten years have exhibited a compounded rate of increase of 10.0%. If we assume that this rate continues at the 10% level by year 2030, prices would approximate \$7,000/MBF Doyle. Professor James E. Hotvedt of the L.S.U. School of Forestry is our source for these economic projections.

15.6

- Page EIS-72, Table 4-7. The projected losses of Cypress-Tupelo swamps due to land clearing is doubtful, in our opinion, unless significant drainage programs and federal subsidies encourage and assist farmers in converting these swamps. Too much of this has taken place and its time to encourage and subsidize the retention of these swamplands.

15.7

- Page EIS-126, 5.47. We were surprised to learn that the Ivory-billed woodpecker has been sighted in the Atchafalaya Basin. Was this a recent and authenticated sighting?

15.8

- Pages EIS-130, 132, 5.59. Some mention should be made of the economic projections for increases in hardwood sawtimber, the United States' probability of running out of quality hardwood, and a possible world-wide surplus of soybeans.

15.9

- Pages EIS-146, 147, 5.84. There would be a significant decrease in forestry-related employment if predicted conversion occurs or if excessive regulations reduce the amount of available timber which should be harvested.

15.10

- Page EIS-155, Table 6-6. The forested acreage loss due to direct construction seems excessive and attempts should be made to minimize this impact.

RESPONSE 15.4: The "forested unknown" term was used to describe forest developing on newly created lands. This category was included at the insistence of the US Environmental Protection Agency. US Army Corps of Engineers biologists believe that the predominant species in these forests would initially be willow and that these areas would fall into the early successional bottomland hardwood forest category.

RESPONSE 15.5: Previous comments on net returns per acre (Response 2.8) apply here. Also, it should be noted that the annual net return figures were computed using merchantable acres, not total acres.

RESPONSE 15.6: The loss of cypress-tupelo swamps projected in Table 4-7 would occur primarily due to a drainage of these areas as the flowline of the Atchafalaya River drops in the future. Acquisition of easements proposed in the Recommended Plan should preclude these losses.

RESPONSE 15.7: Reports have been received from apparently reliable witnesses who have heard and seen this bird. No sightings have been reported to date by professional ornithologists.

RESPONSE 15.8: Comment is a valid concern. Economic projections for the items stated are inappropriate for this section of the EIS. Information is presented in Appendix D.

RESPONSE 15.9: Forestry-related employment with the Recommended Plan compared to the future without-project condition should be greater.

RESPONSE 15.10: Most of this loss would be due to raising of the East and West Atchafalaya Basin Protection Levees. This action must be accomplished if the floodway is to be capable of passing the project flood. The loss reported is a worst-case estimate and as plans for individual levee lifts are refined, efforts would be made to reduce losses to forested lands. Certain proposed features were eliminated from the Recommended Plan because of the great impact they would have on forest habitat. Sediment traps are an example of such a deleted feature. (See Section 4 of EIS.)

- 15.11 | - Page EIS-157, Table 6-7. At the bottom of the table, the last three items are unclear. Total acreage of these forested types declines by 121,000 acres when 1980 is compared to Plan 9. Is this a reduction in acres due to change to other land uses or, is this merely to show the amount of acres which will receive floodwaters on an annual basis?
- 15.12 | - Page EIS 165-167, 6.19. We concur that the management units should be studied carefully because of the very probable differences between conceptual and realistic approaches. If floodwaters within the proposed units are not handled properly, significant mortality and reduced tree vigor could occur.
- 15.13 | - Pages EIS 171-174, 6.28. Statements lead the reader to believe that Cypress-tupelo stands can be preserved forever without logging. The existing stands today are a result of prior logging and/or natural disasters.
- 15.14 | - Page EIS 176, 6.29. A present-day market exists for cypress in the lower basin. Tupelo has not received interest from sawmillers and until it does cannot be considered productive. If water levels recede and cypress is conducive to regeneration it should be favored in mixed stands or tupelo will predominate.
- 15.15 | - Page EIS 289-290, 6.319. Net income figures from timber production should be adjusted based on our earlier comments of economic forecasts for hardwood sawtimber.
- 15.16 | - Page EIS 336, 6.454. We question whether this plan will maintain existing employment opportunities in the timber industry.
- 15.17 | - Page EIS 341, List of Preparers. This list contains no professional foresters or persons with expertise and/or experience in technical forest management.

RESPONSE 15.11: Table 6-7 has been revised to clarify the items in question.

RESPONSE 15.12: Studies of the pilot units should clarify this issue.

RESPONSE 15.13: It is not the intent of this section to imply that cypress-tupelo stands can be preserved forever without logging. In the future, certain stands within the project-affected area will become subject to prolonged flooding, which may prohibit regeneration of stands that are logged.

RESPONSE 15.14: This section has been re-written to clarify its intent. It is true that tupelo cannot be considered productive from a timber production standpoint. It can be considered productive, however, from the standpoint of overall swamp ecosystem function.

RESPONSE 15.15: Previous comments on net returns (Response 2.8) are applicable.

RESPONSE 15.16: Since the Recommended Plan would preserve most of the existing forestland in the project area, it should maintain existing employment opportunities in the timber industry, although operations may be subject to more stringent regulation.

RESPONSE 15.17: No professional foresters are shown in the list of preparers, as the necessary level of expertise for preparation of a feasibility scope study report is possessed by the study team members. Also, the study objectives do not indicate that detailed technical forest management is of prime importance. However, it should be noted that extensive effort was expended in securing, throughout the course of the study, the expertise of forestry management professionals of governmental agencies and private consultants who were intimately familiar with the project area.

Draft EIS, Appendixes C-H, Volume 3

- 15.18 - Appendix D, page D-5, D.1.1. Without going into a complete financial analysis, may we suggest that the Corps consult with forest economists from the L.S.U. School of Forestry, U.S. Forest Service economists and hardwood specialists, and this agency to work out details. We have some problems in agreeing with the net return tables for merchantable timber in Appendix D.
- 15.19 - Appendix D, page D-13, D.2.5. Net returns from forestry are low, especially when the acreage being compared to soybean production is prefaced. These higher bottomland hardwood sites can return \$25 per acre on a sustained yield basis. In addition, prime hunting club leases in other southeastern states have recently been bringing \$25/acre. We would gladly assist in developing a comparable financial return table for bottomland hardwoods to incorporate in the final EIS.
- 15.20 - Appendix D, page D-22, D.2.17. Your statement that present-day swamp logging is limited to two methods is incomplete. A third method, helicopter logging, should be added and discussed in relation to the inaccessible acres and non-recoverable timber.
- 15.21 - Appendix D - General. Much speculation and many assumptions and forecasts, is prevalent throughout this section. However, very little, if any, speculation centers around the possibility of technological and engineering advances which could result in much greater utilization and productiveness of the timber resources located in the project area. This concerns us.
- 15.22 - Appendix D, Section 5. Again, much speculation is contained throughout the pages of this section. Ample space should be reserved to offer the alternative that these bottomland hardwood forests will become a valuable commodity.

RESPONSE 15.18: See previous comments on net return figures.

RESPONSE 15.19: See previous comments on net return figures; also \$25 per acre leases for hunting have not been observed in the lower Atchafalaya Basin Floodway.

RESPONSE 15.20: The recently practiced method of cypress harvest by helicopter has been included and discussed relative to accessibility and merchantability.

RESPONSE 15.21: Comment is noted.

RESPONSE 15.22: Comment is noted.

Minority Reports of U.S.F.W.S. and U.S. E.P.A.

- 15.23 - U.S.F.W.S., Page 9, Item e. Is the U.S.F.W.S. predicting that the loss of 67,000 acres of forestland will be due to clearing for agriculture? If so, this would seem contradictory to an earlier discussion on page 8, Item B, which explains the subsidence problems in the backwater area.
- 15.24 - U.S.F.W.S., page 13, 14. In reference to criteria for sustained yield forestry being developed by the Office of Forestry, we would like to point out that the U.S.F.W.S. had ample input into the guidelines developed. To say that the guidelines are not technically acceptable is strictly Fish and Wildlife's opinion. We realize that the timber management criteria will not totally please every interest involved. However, we made every effort to make them as "technically acceptable" and "practical" as possible.
- 15.25 - U.S.F.W.S., page 16, Number 4. We endorse Governor Treen's proposal that the state be given authority over management of the lands within the floodway plan. As the state's forestry agency, we feel that we should be charged with management of all forested lands acquired under an operational plan.
- J-87 15.26 - U.S.F.W.S., page 17, 18, Number 8. We disagree in the statement that Section 404 regulations will have no effect on land clearing within the floodway.
- 15.27 - U.S.E.P.A., page 6, Number IV. Exception is taken to E.P.A.'s statement that the State alone cannot provide a broad range of legal authorities and disciplines.

RESPONSE 15.23: (Furnished by the US Fish and Wildlife Service). "In its Planning-Aid Report on the Coastal and Backwater Area Features of the Atchafalaya Basin Study, the Fish and Wildlife Service (FWS) projected the loss of 67,000 acres of bottomland hardwoods and cypress/tupelogum swamp from induced clearing which would be stimulated by flood protection to be provided by the first reach (14,000-feet) of the Avoca Island levee extension. The analysis upon which this projection was based involved the use of Corps-generated hydrological data. At the time that these data were made available to the FWS, the Corps made no mention of existing subsidence problems in the project area. Accordingly, the same methodology was applied to those data that was used in projecting anticipated land clearing for the interior of the Atchafalaya Basin Floodway. Subsequently, Louisiana State University Center for Wetland Resources researchers and an independent hydrologist on contract to the Terrebonne Parish Police Jury indicated that subsidence in this region was occurring at a rate of 2 to 3 feet per century. When this was brought to the attention of the Corps in an Agency Management Group meeting on May 8, 1981, the Corps hydrologist indicated that the hydrological data, which had previously been furnished the FWS, did consider the effects of regional subsidence. This would indicate that the FWS's land clearing projections were correct and that if regional subsidence were not occurring, land clearing projections would be even higher. More recently, however, the Corps has begun to update existing hydrological data. These new data, if substantially different from previously furnished data, could impact land clearing projections."

RESPONSE 15.24: (Furnished by the US Fish and Wildlife Service). "As indicated in a letter dated June 23, 1981, to Mr. D. L. McFatter of the Louisiana Office of Forestry, the FWS is generally pleased, with one major exception with the Amended Guidelines for Silvicultural Activities in the Atchafalaya Basin. That exception relates to protection of cypress stands from non-regenerative harvest activities. Under the existing Guidelines, when a forested area within the Atchafalaya Basin contains less than 60 percent cypress, both in numbers of stems and square feet of basal area, it will cease to be defined as a cypress stand subject to strict harvest criteria. In effect then, the guidelines will permit total removal of the existing cypress trees in many areas, totally disregarding Governor Treen's real estate proposal which stipulates that there be no non-regenerative harvest of cypress."

RESPONSE 15.25: (Furnished by the US Fish and Wildlife Service.) "We, too, agree that the State should be given primary authority over non-flood control-related management of surface rights acquired within the Atchafalaya Basin Floodway. The FWS's intent, in addressing the issue of Responsibility for Operation and Maintenance, was not to circumvent that authority. On the contrary, it was intended to reinforce Governor Treen's request for Federal financial assistance for managing the Basin, by noting the Corps' obligation to fund operation and maintenance costs related to management for specific project purposes, especially water management units. We do not agree, however, that the Louisiana Office of Forestry should be given sole authority over management of forested lands within the Basin. It would seem that the management of renewable resources, within the framework of a multipurpose plan, should be a cooperative effort performed by a variety of State agencies having expertise in forest, fish and wildlife, and recreational resources."

RESPONSE 15.26: (Furnished by the US Fish and Wildlife Service.) "The FWS statement regarding Section 404 regulations did not indicate that such regulations would have no effect on land clearing within the Atchafalaya Basin Floodway, but rather suggested that the rate of anticipated clearing would not be significantly lower even if these apparent legal controls continue in the future. In view of the fact that lands cleared for agriculture have increased by 30 percent within the Atchafalaya Basin Floodway over the last four years, the FWS believes that its observations relative to the inadequacy of Section 404 Regulations in stopping land clearing are accurate."

RESPONSE 15.27: (Furnished by the US Environmental Protection Agency.) "We appreciate the attention that the Office (of Forestry) has given to the issues in our report. Further response, however, is not warranted because their comment merely takes exception to the statement in our report and does not explicitly challenge it or provide a factual correction. Moreover, the main point of the sentence in question is repeated in the following paragraph (V. Authorization and Implementation) in a manner in which the Office has not responded to unfavorably. That point is that in order to meet the goals and objectives of the project, the Recommended Plan must effectively integrate all levels of participating governmental entities."



CALVIN P. BODDEN, PRESIDENT  
FLOYD J. DUPLANTIS, VICE PRESIDENT

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## POLICE JURY

PARISH OF TERREBONNE

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HOUMA, LOUISIANA 70361

AUG 26 1981

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68-J  
Commanding Officer  
Corps of Engineers-New Orleans District  
P.O. Box 60267  
New Orleans, Louisiana 70160

RE: Avoca Island Levee Extension

Dear Sir:

The Terrebonne Parish Police Jury is vitally concerned with the Avoca Island Levee extension proposal.

Some months ago the Jury hired Dr. Chester Watson, a consulting hydrologist and engineer from the Shreveport area, to review and evaluate the available research on this project. Additionally, the Jury utilized Dr. Hans VonBeek, a hydrologist from the Baton Rouge area, for additional advice and review of the plan.

Several public meetings were held to discuss the merits of the various proposals that were being advanced as well as the next steps likely in the overall approval process.

Based on all of the testimony available as well as the several public meetings held on the project, on August 12, 1981, the Jury voted to request the Corps of Engineers to suspend further action on the levee extension until more information can be gained. On August 19, 1981 the Terrebonne Parish Police Jury reaffirmed its positions by passage of the enclosed resolution.

RESPONSE 16.1: The Recommended Plan should partially satisfy the desires expressed in the Police Jury resolution since it recommends implementation of further extensions of the Avoca Island levee and/or other structural or nonstructural measures associated with backwater flooding only after completing additional engineering and biological studies of the bay-backwater complex.

Commanding Officer  
Corps of Engineers-New Orleans District  
Page -2-

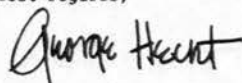
AUG 26 1981

Attached for your information is a copy of Mr. Watson's report and the CZM Committee's position.

Please advise if I can be of further assistance to you in evaluating the policy and recommendations of the Terrebonne Parish Police Jury.

Thank you for your assistance,

Best regards,



George Hecht  
Parish Administrator

GH/wt

Enclosure

cc: President Ronald Reagan  
All Congressmen and State Legislators  
Mayor Edward Lyons  
Coastal Zone Management Committee  
United State Fishery & Wildlife Service  
National Marine & Fishery Service  
Louisiana Wildlife & Fisheries  
Environmental Protection Agency  
John Haydel  
Norval Rhodes  
Governor Dave Treen  
Kai Midboe  
Hans VonBeek  
Chester Watson

16.1

06-1

OFFERED BY: Mr. D. Landry  
SECONDED BY: Mr. E. Voisin

# RESOLUTION

WHEREAS, the Corps of Engineers has developed a tentatively selected plan on the Atchafalaya Basin Floodway System, Louisiana, and

WHEREAS, one of the features of this tentatively selected plan calls for an initial extension of the Avoca Island Levee by 14,000 feet, and

WHEREAS, the stated purpose of this levee extension is an attempt to resolve some of the flooding problems in western Terrebonne and adjacent areas, and

WHEREAS, the Terrebonne Parish Police Jury has attended many hearings, participated in numerous meetings and discussions, and reviewed and studied data, all concerning the extension of Avoca Island Levee, and

WHEREAS, in an effort to better understand the impacts of this levee extension on Terrebonne Parish, the Terrebonne Parish Police Jury did commission a report by an independent hydrologist, and

WHEREAS, after this exhaustive search the Terrebonne Parish Police Jury believes that many significant questions still remain about the effectiveness of the flood relief promised by this levee extension, and

WHEREAS, the Terrebonne Parish Police Jury believes that there is the possibility and probability of significant adverse impacts upon the Terrebonne Parish marshes, and

WHEREAS, Terrebonne Parish is presently losing in excess of 5000 acres of land per year, having lost some 116,709 acres of land from 1955 to 1978, and

WHEREAS, the integrity of this marsh ecosystem is necessary for the continuing existence and well being of the Parish of Terrebonne, and

WHEREAS, the Terrebonne Parish Coastal Zone Management Citizens Advisory Committee, the City of Houma, the Terrebonne Parish School Board, the Terrebonne General Hospital Board, the Louisiana Department of Wildlife and Fisheries, the United States Fish and Wildlife Service, the United States Environmental Protection Agency and other state and federal agencies, governmental entities and groups have expressed their grave concern about this project, and

WHEREAS, it is the firm belief and conviction that a better solution to flooding with less severe impacts on Terrebonne and adjacent areas could be found, and

WHEREAS, the extension of the levee is entirely within Terrebonne Parish.

NOW, THEREFORE, BE IT RESOLVED that the Terrebonne Parish Police Jury officially request and demand that the Avoca Island Levee Extension Project be suspended until further study provides better documentation and answers to concerns raised by the Terrebonne Parish Police Jury and also provides a better solution to the problem of flooding than that which is now presented, and

BE IT FURTHER RESOLVED that the Terrebonne Parish Police Jury request the following actions to begin immediately by the Corps of Engineers.

- A. A delineation of the present ability and authority of the Corps of Engineers to study and implement solution for the following.
  1. Any and all types of flooding, such as tidal, backwater and headwater flooding and flooding resulting from subsidence, in western Terrebonne and adjacent areas.
  2. Marsh deterioration in Terrebonne and adjacent areas.
  3. Deterioration of water quality in estuaries and open water bodies.
  4. Deterioration of barrier islands.
- B. Advise the Terrebonne Parish Police Jury on steps necessary to have complete flood protection of the area affected by backwater from the Mississippi River and Tributaries Project.
- C. Coordinate with the Terrebonne Parish Police Jury, the Governor's Office, and the Louisiana Office of Public Works, planning of a ring levee system to provide comprehensive flood protection in Terrebonne Parish.
- D. Begin immediately to compile data and to further investigate water circulation patterns in the Terrebonne marshes and adjacent areas that may be affected by the proposed levee extension. It is strongly recommended that a physical model of the area be prepared to investigate present circulation patterns, and to investigate fresh water diversion alternatives. Thorough investigation and proper design should allow enhancement of conditions, not just maintenance of present conditions.

E. Coordinate with the proper professionals at LSU, other Federal agencies, the Governor's Office, the Terrebonne Parish Police Jury, and those private groups who may assist the interest of Terrebonne Parish and the State, to form a group to review designs and operational procedures for the fresh water diversion structures. Have the approval of designs and operational procedures by the review group written into the project as part of the funding and authorization document.

BE IT FURTHER RESOLVED that if the needed information, ability and authority does not presently exist that the Corps of Engineers work with the Terrebonne Parish Police Jury and others to gather such information, ability and authority to solve the above enumerated critical problems affecting the well being and existence of the Parish of Terrebonne, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to all interested parties.

THERE WAS RECORDED:

YEAS: E. Voisin, J. LeCompte, R. Bergeron, P. Gabriel, Sr., L. Vernon Bourgeois, W. Bonvillain, Jr., L. Klingman, Jr., A. Bonvillain and D. Landry

NAYS: W. Henry, C. Duet and J.D. Boudreaux III

NOT VOTING: C. Bodden

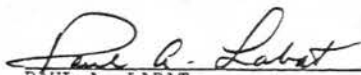
ABSENT: F. Duplantis and P. Bourgeois, Jr.

And the President declared the Resolution adopted on this 19th. day of August, 1981.

\* \* \* \* \*

I, PAUL A. LABAT, Secretary of the Police Jury of Terrebonne Parish, Louisiana, do hereby certify that the foregoing is a true and correct copy of the RESOLUTION adopted by the Police Jury in REGULAR session on AUGUST 19, 1981 at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE & SEAL OF OFFICE this 20th. day of August, 1981.

  
\_\_\_\_\_  
PAUL A. LABAT  
SECRETARY  
TERREBONNE PARISH POLICE JURY



ERNEST N. MORIAL, President  
RENE A. CURRY, President Pro-Tem.

## Sewerage & Water Board OF NEW ORLEANS

STUART H. BREHM, JR.  
Executive Director

CITY HALL - CIVIC CENTER  
NEW ORLEANS, LA., 70165 - 586-4588

July 22, 1981

United States Army Corps of Engineers  
New Orleans District  
P. O. Box 60267  
New Orleans, LA 70160

ATTENTION: Colonel Thomas Sands

Gentlemen:

The staff of the Sewerage & Water Board has reviewed the draft of the main report and Environmental Impact Statement on the Atchafalaya Basin Floodway System, Louisiana.

Additionally, we have reviewed the "minority reports" furnished under letter of June 22, 1981.

We have noted on pages 126, 127 and 128 the alternatives for operation of the Old River Control Structure. The Board's interest lie in this particular area of the report. On January 28 the Corps of Engineers was notified by the Sewerage & Water Board, by my letter, of our concern for maintaining a proper flow of water in the Mississippi River to avoid salt water intrusion.

The alternatives proposed in the Environmental Impact Statement relative to the Atchafalaya Basin Floodway do address themselves to that issue in that they all provide for the 70/30% distribution of minimum flows in the river.

The purpose of this letter is to reiterate the Board's position that a minimum of 150,000 cubic feet per second at the passes of the river must be maintained regardless of the percentage distribution at Old River Control Structure.

Yours very truly,

*Stuart H. Brehm, Jr.*  
STUART H. BREHM, JR.  
Executive Director

SHB:ck

cc - All Members of Sewerage & Water Board  
Louisiana Congressional Delegation  
Board of Commissioners of the Port of New Orleans

Members of the Board: SIDNEY J. BARTHELEMY • JAMES L. BEVERLY • PHILIP C. CIACCIO • RUSSELL L. CUOCO • RENE A. CURRY • HENRY A. DILLON, JR.  
JANICE MARTIN FOSTER • JOSEPH I. GIARUSSO • WILLIAM A. HOLTIV, JR. • J. THOMAS LEWIS • HARRY MCCALL, JR. • MRS. R. KING MILLING • ERNEST N. MORIAL

"An Equal Opportunity Employer"

RESPONSE 17.1: The 70/30 distribution in the Old River Control scheme does not refer to flow in the Mississippi River. It relates to the total flow passing through the latitude of Old River, Louisiana, and includes flows in both the Red and Mississippi Rivers. The final plans recommend maintaining the authorized 70/30 Mississippi River/Atchafalaya River flow division at the latitude of Old River. This is essential for ensuring that the Mississippi River does not change course to its Atchafalaya River distributary. Day-to-day departures from the 70/30 distribution are possible, but the margin for such operation is quite limited. It is impossible to predict for any given year the subsequent hydrograph of latitude flow in order to ascertain the ability to redress any volumetric imbalances which may be created by such departures. Thus, it is possible that there may be some instances where 150,000 cfs minimum flow could not be provided.

*CMT Felo*

ATCHAFALAYA LAND CORPORATION  
1100 WHITNEY BUILDING

NEW ORLEANS, LA. 70130

July 23, 1981

Department of the Army  
Corps of Engineers  
New Orleans District  
Post Office Box 60267  
New Orleans, LA 70160

In re: LMNPD-C

Gentlemen:

We understand that a "Feasibility Report/Environmental Impact Statement on the Atchafalaya Basin Floodway System, Louisiana," on which you are holding hearings during July 1981 and receiving comments will not contain any of the public views and responses expressed in connection with the series of hearings held by the "Agency Management Group" in 1979.

We assume this means that the comments which we submitted in 1979 probably will not be recorded in any public document.

We feel, however, that the views which we expressed in our 1979 comments are equally applicable to the Tentatively Selected Plan on which you are currently holding hearings. We feel this is particularly true in regard to proposed public access, "green-belts," and restrictions on mineral development under the Tentatively Selected Plan.

We therefore enclose to you herewith copies of the letters we submitted under date of January 20 and January 23, 1979 and request that you consider them in connection with the Draft Environmental Impact Statement on which comments are permitted until August 24, 1981.

Very truly yours,

ATCHAFALAYA LAND CORPORATION

By:

*H. K. Benson*  
Secretary-Treasurer

LKB/ca

RESPONSE 18.1: Your 20 and 23 January 1979 letters are part of the public record on the Atchafalaya Study but are not published in any public document. Public views expressed in the 1979 public meetings are discussed in the EIS.

RESPONSE 18.2: Copies of your letters are included in this appendix and comments are addressed.

J-95

18.1

18.2



ATCHAFALAYA LAND CORPORATION  
1100 WHITNEY BUILDING

NEW ORLEANS, LA. 70116

January 23, 1979

Col. Thomas A. Sands, District Engineer  
Chairman, Atchafalaya Basin Agency Management Group  
c/o U. S. Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Col. Sands:

This supplements our letter dated and sent to you by certified mail on January 20, 1979, protesting the proposed taking of lands or easements in the Atchafalaya Basin for the purpose of establishing a Fish, Wildlife and "Multi-Use Area".

We attempted to attend the hearing in Baton Rouge on January 20, as an interested landowner of 7,000 acres, only to find it saturated with college students, teen-agers and environmental groups, obviously with no interest in flood control and many of whom undoubtedly have never been in the Basin and are not in the least concerned that the "Multi-Use" proposed by your Group to take over the Basin indeed constitutes an outrageous, arbitrary and capricious invasion of private property rights.

The attitude of the Department of Interior is no different. While its representative purport to sit impartially on the hearing panel in order to receive and evaluate public comments, their presence is a mockery of procedural due process of law. At the very moment Interior's "impartial" representatives sat on the hearing panel, other representatives of theirs distributed one-sided literature, elaborately printed and photographed at taxpayers' expense, such as Interior's 23 page picture and printed brochure entitled "ATCHAFALAYA, AMERICA'S GREATEST RIVER SWAMP", which reached the conclusion, even before the hearing started, that

". . . Conversion to public ownership is the only way to guarantee the continued existence of the vast Atchafalaya Basin Floodway as a vital part of our Nation's irreplaceable wetland heritage".  
(p. 22).

RESPONSE 18.3: It is regretable that the composition of the attendees at the Baton Rouge hearings did not meet your approval. The purpose of public meetings is to provide everyone who wishes to participate in the public involvement process an opportunity to express his views or to observe the proceedings.

RESPONSE 18.4: This comment is valid. The position of the Department of the Interior was an independent one and does not reflect the views of the US Army Corps of Engineers. The Corps has never proposed or been in agreement with the proposal for total public ownership of the land in the Atchafalaya Basin. The real estate feature of the Recommended Plan presented in the final report/EIS for this project has been revised to reflect the substitute public access plan recently agreed to by landowners, environmentalists, and the State of Louisiana, and announced by Governor David C. Treen in his press conference during November 1981.

January 23, 1979

18.4

Add to this demonstrable lacking of impartiality Interior's typewritten sheet entitled "PROPOSAL TO ESTABLISH THE ATCHAFALAYA FISH, WILDLIFE AND MULTI-USE AREA" which was also circulated to the public before the Baton Rouge hearing began, and it becomes crystal clear that Interior had pre-judged the problem in favor of its own desires by belaboring the issue that no one is entitled to entertain any views contrary to Interior's and that in this primarily flood control problem there is only one solution - take the land away from the landowners. Such an "impartial" hearing is no hearing at all. It violates every basic principle of fair play by pre-judging the outcome ahead of time which, in effect, will be a decision by a "kangaroo court".

J-97

18.5

The Corps of Engineers has brought about siltation in the Basin due to the Corps' own flood control efforts and activities. Having brought about siltation, the Corps should in all good conscience take whatever steps are necessary to correct it under their flood control powers and not under the so-called "Multi-Use" plan devised by Interior. This is a flood control project. It is not a project for Interior to lead the public to believe that it will create an environmental Paradise. Mr. S. P. Schwing's letter to the Editor of the Times-Picayune dated January 23, 1979 seems appropriate. A copy is attached.

Please include our original protest and this supplement in your report and take them into account in any decision making process.

Very truly yours,

ATCHAFALAYA LAND CORPORATION

By:

*Lawrence K. Benson*  
Lawrence K. Benson

LKB:nmh

Encl.

RESPONSE 18.5: This comment is erroneous. The US Army Corps of Engineers does not bring about siltation. Most of the siltation can be attributed to natural alluvial riverine processes and have not been the result of Corps activities. In fact, the Recommended Plan contains two features for reducing siltation: channel training of the river and distributary realignments. Also, the project is not just a flood control project. Congressional resolutions quoted in Appendix A directed the Corps to develop a comprehensive plan for preservation and management of water and land resources of the Atchafalaya Basin.

## The Times-Picayune

## Views of Readers

## Atchafalaya Issue

Editor, The Times-Picayune:

I call your attention to recent articles in The Times-Picayune on the Atchafalaya Basin issue. Aside from the technical presentations on flood control, the articles have been misleading and inaccurate. It would not be surprising if your readers think that the landowners and the Corps of Engineers have contrived to turn the basin into one big soybean farm. Not so.

The land was acquired for timber; however, after sedimentation caused by the Corps' flood control project made the land unsuitable for forestry, the landowners, naturally, converted it to another use. It was not something they planned. It happened as a result of the Corps' action.

A few years ago, the Corps announced its plans to complete the Basin flood control project. Opposition was generated, primarily through the Department of Interior. We now have a situation where one branch of the federal government opposes the actions of another branch, so the federal government proposes to solve the matter by taking over the land!

One of your writers — Cornelia Carrier — discusses the reasons why landowners oppose such confiscation, and she states, "the government pays fair market value." The government proposes to pay \$87,000,000 for 443,000 acres, or about \$196 per acre. I chal-

lenge Ms. Carrier to read the real estate classified ads in her own paper and find any land listed for sale at that price — with or without mineral ownership.

On the sports page we have Breard Snellings, who writes on behalf of hunting, fishing, trapping, canoeing, etc.; by his own admission, he couldn't care less about flood control. In his column Jan. 21, he said "environmentalists and sportsmen don't want flood control" and "who wants flood control anyway, besides the Corps and the landowners." (Does he really mean that? If so, that sort of mentality should not have access to the pages of a daily newspaper.)

He labels all ten of the proposed flood control plans "evil." So if flood control is not the main issue to Snellings, sportsmen and environmentalists, what is? Plain and simply, it is public ownership (which they want) vs. private ownership of land. They have seized upon this project, which is designed to protect lives and property from flooding, as a cause justifying expropriation of private land.

Why? Because he and the others want unlimited access to the basin for their own pleasure. Expropriation is supposed to be a last resort — exercised in the public need. Have we reached the point where the pleasure of a few represents public need? Are we ready to trample on the constitution for such purposes?

At the public hearing in Baton

Rouge, with the exception of a very vocal minority, the audience repeatedly reacted in opposition to federal acquisition of the land (a significant fact not reported anywhere in your paper). It appeared that this vocal minority was, for the most part, some good old boys who like to hunt but don't have any hunting leases in the basin, and if the government takes the land, the leases will be cancelled and then they can hunt wherever they want. I guarantee if it had been announced at the hearing that regardless of the outcome of the project, hunting would henceforth be prohibited in the basin, those old boys would have lost interest in the whole thing — and so would Breard Snellings.

Which brings me to the Department of Interior. Does anyone really believe the basin will be a better place to hunt and fish managed by Interior? Environmentalists clamor to keep the basin in its present natural state ("wet and wild"). And yet the management units proposed by Interior would do just the opposite by creating and maintaining an artificial water level through a system of levees which no one can guarantee will not produce an ecology not supportive of wild life. But there will be water all year round for canoeing!

Finally, there is something very wrong with a branch of the federal government taking sides in a very controversial public issue. The Department of Interior has published, at taxpayers'

expense, a very slick brochure advocating taking the land from its rightful owners (taxpayers); and an Interior agent who strongly opposes private ownership in the basin sits on what one would assume to be the impartial panel that presides at the public hearings.

I conclude with a warning as voiced by one of the speakers in Baton Rouge. He said he had just returned from Yugoslavia where they keep certain lands wet and they keep them wild. And who hunts there? Titlo!

S. P. SCHWING

## Taxes No Blessing

New Orleans

Editor, The Times-Picayune:

Now that our elected officials have given the residents of New Orleans a belated Christmas gift by way of a tax package, I wondered if they would explain why such a gift should be looked upon as a blessing.

I would like to have explained to me what service can be expected from the \$100 paid by each homeowner. Aren't we paying for the regular service to a home — connecting it to light, gas, sewerage and water? If this is a just charge, why aren't the other large municipalities charging it?

Doesn't it seem foolish for the residents of Orleans Parish to pay a \$50 car tax when the roads of the city are used equally by residents of neighboring parishes?

A. WILSON SR.

ATCHAFALAYA LAND CORPORATION  
1100 WHITNEY BUILDING

NEW ORLEANS, LA. 70116

January 20, 1979

Col. Thomas A. Sands, District Engineer  
Chairman, Atchafalaya Basin Agency Management Group  
c/o U. S. Army Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Col. Sands:

This letter of protest is submitted in connection with the meetings discussing alternatives for the Atchafalaya Basin as developed by the Atchafalaya Basin Agency Management Group, consisting of the U. S. Army Corps of Engineers, as Chair Agency, State of Louisiana, U. S. Department of the Interior and U. S. Environmental Protection Agency.

Atchafalaya Land Corporation owns approximately 7,000 net acres of land located in the Parishes of Assumption, Iberia, Iberville, St. Martin and St. Mary, State of Louisiana. A substantial part of our acreage is in the Atchafalaya Basin. All of it is below Highway U. S. 190 and most of it is below Highway Interstate 10. All, except 80 acres in St. Mary Parish, is above Morgan City.

Various tracts of our land are leased for hunting and fishing camps and for hunting and grazing. All leases are granted for a nominal rental to any responsible persons. The lessees are local individuals who live in the area and as far west as Lafayette and as far east as Baton Rouge. Only a nominal amount of our acreage is leased to clubs and even those are local people.

We use the leasing process to protect our lands from trespassers and predators, knowing from long experience that the occasional hunter, fisherman or trapper is not interested in the long-term value of property belonging to others. This lack of regard for the property of others will not change under the proposed "Multi-Purpose Plan" suggested by your Group.

In our opinion, the proposed multi-purpose use of the Atchafalaya Basin, as developed by the Atchafalaya Basin Agency Management Group, is nothing more than a bureaucratic "land grab" based upon false information as contained in the recent paper entitled "Atchafalaya Basin", published by your Group, and the other pamphlet entitled "The Atchafalaya, America's Greatest River Swamp", published by the U. S. Fish and Wildlife Service of the Department of Interior.

RESPONSE 18.6: Again, the multipurpose or comprehensive plan approach has been directed by Congress.

69-J

18.6

January 20, 1979

Our reasons for opposing this unwarranted invasion of our private property rights are as follows:

18.7 1. Years ago the United States acquired flowage easements over our properties in the Atchafalaya Basin. From time to time, it has also acquired from us various easements for flood control channels. Additional flood control easements may be needed in the future. If so, we expect to cooperate with the U. S. Corps of Engineers.

18.8 We have never questioned the use by the United States of any easement or flowage right over our properties in the Basin for flood control purposes. We believe the U. S. Corps of Engineers is obligated under its flowage rights and easements to keep the floodway open and free from any unnecessary accumulation of sediment. Obviously, the accumulation of sediment is not a valid excuse for expropriating our land in the spillway for multiple use when sedimentation can be controlled by the Corps of Engineers under its flood control powers.

J-100  
18.9 2. It is common knowledge that the only substantial land clearing in the Basin for agricultural purposes has occurred above Highway U. S. 190. A relatively small amount of land has been cleared between U. S. 190 and Highway U. S. I-10 and none has occurred below U. S. I-10. It is grossly unfair for the literature of your Group to "scramble" the information so as to lead one to believe that the land below U. S. I-10 (or a substantial part between U. S. 190 and U. S. I-10) is in danger of being cleared for agricultural purposes. Therefore, it is highly improper and entirely erroneous to premise the proposed taking of land either below U. S. 190 or below U. S. I-10 on the unsupportable premise that the lands in the lower Basin are suitable for agricultural purposes and are in danger of being cleared by the landowners.

18.10 3. Further, the literature published by your Group argues that the "public interest" requires the acquisition of the Atchafalaya Basin under your "Multi-Purpose Plan" to accommodate the needs of environmentalists, hunters, commercial and sport fishermen.

Evidently the authors of that literature are not aware of the fact that the State of Louisiana owns the beds of the navigable streams throughout the State, including those in the Atchafalaya Basin, and that commercial and sport fishermen are entirely free to use these waters for hunting and fishing, subject only to the regulations of the

RESPONSE 18.7: Comment noted.

RESPONSE 18.8: See Response 18.5.

RESPONSE 18.9: Most of the lands between US Highway 190 and Interstate Highway 10 are suitable for agriculture purposes now and as the drying trend in the Atchafalaya Basin Floodway System continues, lands south of I-10 would become increasingly suitable for farming.

RESPONSE 18.10: The approximately 150,000 acres of existing state-owned land and public waterways are accounted for in the Recommended Plan real estate feature.

January 20, 1979

18.10

Louisiana Wildlife & Fisheries commission. It is, therefore, a completely false premise to assert that it is necessary to expropriate private lands for the benefit of commercial and sport fishermen, or for environmentalists, who already enjoy the same public access to the Basin as do commercial and sport fishermen. Also bear in mind that environmentalists do not have any economic stake in the Basin.

18.11

J-101

As for the needs of hunters, we have never had any difficulty in accommodating those who apply to hunt on our properties in the Basin. Moreover, the authors of your literature apparently ignore the fact that as of October, 1975, there were 36 game management areas scattered throughout the State, containing 2,924,572 acres of land open for public hunting in 1975. A list of these areas as taken from the "Louisiana Conservationist, September-October, 1975" is attached to this letter.

Subsequent to the publication just referred to, the State has also established at least two additional game management areas, to-wit: The Attakapas Wildlife Management Area, containing 25,500 acres, located in the Basin, itself, in St. Martin and St. Mary Parishes, and the Atchafalaya Delta Wildlife Management Area, containing 125,000 acres, located in Atchafalaya Bay, south of Morgan City.

There is, indeed, no dearth of public hunting areas in Louisiana. In fact, the Louisiana Wildlife & Fisheries Commission, in its publication "A Guide to Hunting in Louisiana" describes this State as "The Hunter's Paradise". You should obtain a copy of that 67 page publication and incorporate it in your public hearing record.

18.12

As for trappers, there is no free range for trappers anywhere in the State of Louisiana. Throughout the State trappers have operated for the last 50 years under leasing or permit arrangements with the landowners and State Game Preserves. There is no good reason why they should receive different treatment in the Basin than elsewhere.

18.13

Indeed, we predict that commercial and sport fishermen, hunters and trappers will be much more severely restricted in their activities if the "Multi-Purpose Plan" advocated by your Group is accomplished than they are under present-day conditions. Consequently, we suggest that there is no real or actual need in the Basin for the "Multi-Purpose Plan" proposed by your Group.

18.14

4. The above cited literature describing the "Multi-Purpose Plan" contemplates that the United States

RESPONSE 18.11: The nearly 3 million acres within game management areas in the state were taken into account in the Recommended Plan and the two new management areas in the project-affected area are specifically discussed in Sections 5 and 6 of the EIS.

RESPONSE 18.12: Under the Recommended Plan, it is likely that trappers would need a permit from the State of Louisiana to trap on project acquired lands.

RESPONSE 18.13: Comment noted.

RESPONSE 18.14: The Recommended Plan would cause some inconvenience to oil and gas exploration activities as discussed in Section 6 of the EIS. However, such regulation should not be too onerous for any landowner.

January 20, 1979

18.14

will take the land into public ownership but allow the present owners to retain the mineral rights. The catch seems to be the U. S. Fish & Wildlife Service's statement that "public ownership of surface rights would insure that the Floodway's mineral resources are extracted in a manner that would minimize damages to fish, wildlife and recreational resources". We feel that this means that while the bureaucrats do not wish to pay the enormous amount of money necessary to acquire the mineral rights in the Basin, they will confiscate them by indirection and prevent their exploitation and production by enacting regulations too onerous for any landowner to cope with; all in the name of preserving fish, wildlife and recreational resources.

J-102

18.15

In short, the proposed acquisition by the Government as contemplated by the proposed "Multi-Purpose Plan" is, in our opinion, an arbitrary, capricious and inexcusable invasion of private property rights for no real or useful public purpose or need. It is simply a device to wrest private property from private landowners in order to obtain more control over more property and to create more and more inflation and expand the cost of bigger and bigger government.

From the above you will note that we object to giving up any fee title or easement for any multiple use suggested by your Group although, as above pointed out, we will cooperate fully with the United States Corps of Engineers for flood control purposes.

Please include our objections and this protest in your report and take it into account in any decision making process.

Respectfully submitted,

ATCHAFALAYA LAND CORPORATION

By:

*Lawrence K. Benson*  
Lawrence K. Benson

LKB:css

RESPONSE 18.15: Comment noted.



# SO you need a place to hunt!

by frank davis

photography by lloyd poissenot

Indisputedly, the days of finding prime hunting spots in wooded areas just off highway rights-of-way are gone. It is rare, too, when one finds a landowner who is willing to open his acreages to public hunting. And what remains of the scattered undeveloped sections across the state daily are being transformed either into additional private tracts or extensions of suburban sprawl.

But public hunting areas do still exist!

The Louisiana Wildlife and Fisheries Commission has set aside 1,092,236 acres as "wildlife management areas," and 211,132 acres of that are permanently owned by the state. A total of 707,262 acres are leased for WMA use from companies, agencies, and individuals.

Additionally, Kisatchie National Forest has 150,000 acres under game management, and its remaining 595,301 acres under U.S. Forest Service jurisdiction are open to hunting during regular seasons. One step further, 173,842 acres of federal refuge lands are open for waterfowl hunting.

So when added together, this gives the hunter a supergrand total of 2,924,573 acres open for public hunting...this year!



**Alexander Forest Wildlife Management Area:** 7,875 acres in Rapides Parish. Shortleaf and loblolly pine. Squirrel, rabbit, deer, and woodcock—fair. Camping on designated areas. One campground maintained by LWLFC just off area. Entrance via Hwy. 165. Good interior roads.

**Bodcau Wildlife Management Area:** 32,471 acres in Bossier and Webster Parishes. Upland pine and bottomland hardwoods. 1,200-acre greentree reservoir provides outstanding duck hunting. Deer, quail, squirrel, and woodcock—good. Dove—fair. Unmarked hogs. Camping on designated areas only: three areas complete with water and outdoor toilets. Good interior roads.

**Bohemia Wildlife Management Area:** 33,000 acres in Plaquemines Parish. Saline marshes along the bays: higher tree ridges along the Mississippi River. Rabbit populations high. Deer—excellent. Waterfowl—good, but varies from pothole to pothole. Squirrel—good along the ridges. Rail and snipe—good in low marshes along larger bays and lakes. Access via Hwy. 39 south of Point-a-la-Hache. Camping on designated areas.

**Bonnet Carre Wildlife Management Area:** 3,800 acres in St. Charles Parish. Hardwood terrain: center portion rich in aquatic and semi-aquatic plants. Squirrels on both the east and west boundaries. Quail—fair. Dove, woodcock, duck, coot, snipe, and rail—found in varying numbers during winter months. No deer on the area. Access via Hwy. 61. Interior dirt roads. Camping on designated areas—one public site on Hwy. 61 in Norco.

**Biloxi Wildlife Management Area:** 40,000 acres 30 miles southeast of New Orleans in St. Bernard Parish. Interior marsh: a network of bayous, lagoons, ditches, and ponds: some isolated ridges. All game species open to hunting. Although populations of rabbit and deer exist, area is basically for waterfowl. No daily permits required. Access only by boat—launch at Shell Beach, Yscloskey, and Hopedale. Larger boats may cross Lake Borgne from Chef Menteur and Rigolets. No campgrounds.

**Caney Wildlife Management Area:** 31,000 acres of U.S. Forest Service land plus 3,000 acres of privately owned lands in Claiborne and Webster Parishes. Shortleaf and loblolly with a hardwood mixture. Deer, squirrel, quail, and woodcock—good. Turkey and duck—fair. Unmarked hogs. Camping only on designated areas: water and electricity provided at the campsite at Caney Lakes for a fee payable to the U.S. Forest Service. Excellent interior roadway system.

**Catahoula Wildlife Management Area:** 36,117 acres within Kisatchie National Forest in Winn and Grant Parishes. Longleaf, loblolly, and shortleaf pine on high ground; hardwoods in low areas. Deer, squirrel, quail, and woodcock—good. Rabbit—fair. Turkey cannot be hunted. Unmarked hogs. Camping on designated areas only: one fenced site maintained by the LWLFC just outside the southwest portion. Outdoor toilets at the campsite. Entrance via Hwys. 167 and 472. Excellent interior roadway system.

**Cities Service Wildlife Management Area:** 13,090 acres 5 miles northeast of Monroe. Flat terrain—pine timber and hardwood mixture. Deer—excellent. Turkey, squirrel, rabbit, quail, dove, and duck—fair. Turkey restocking in



progress. Experimental raccoon season. Access via Hwys. 594, 134, and 554. Fair interior roads. No camping.

**Concordia Wildlife Management Area:** 8,525 acres in northern Concordia Parish. The best hardwood bottomlands remaining in the Mississippi River flood plain! Deer—excellent. Squirrel and rabbit—good. Waterfowl—fair (improves to excellent during high rainfall periods). Entrance via Hwy. 84. Good interior roads. No camping.

**Fort Polk Wildlife Management Area:** 114,000 acres of forest and open lands owned by the U.S. Forest Service and the U.S. Army in central Vernon Parish. Gently rolling hills: pine and hardwood strips. Quail—excellent. Deer, squirrel, and woodcock—good. Turkey cannot be hunted. Rabbit and dove—fair. Unmarked hogs. Daily military clearance, available from Provost Marshal's Office, required to hunt on this area, except when clearance can be obtained at commission daily permit stations during either sex deer seasons. Entrance via Hwy. 10. Interior roads excellent. No campgrounds.



**Georgia-Pacific Wildlife Management Area:** 28,000 acres 5 miles northwest of Bastrop. Gently rolling hills; flat mixed-pine hardwoods. Deer, turkey, quail—good. Squirrel, rabbit, dove, and duck—fair. Access via Hwy. 592. Interior roads maintained, but high rainfall causes flooding. Waterproof footwear a must. No campgrounds.

**Grassy Lake Wildlife Management Area:** 11,800 acres in Avoyelles Parish. Predominantly wetland habitat. Deer, squirrel, rabbit and waterfowl populations present—accessibility is difficult. No permits required. Tract is a wilderness area—no all-weather roads are available. Access via boat down the Red River, a 15-mile trip. During dry periods, a woods road from Bordelonville off Hwy. 451 may be used to travel to the interior. No campgrounds.

**Jackson-Bienville Wildlife Management Area:** 30,900 acres 12 miles south of Ruston. Predominantly pine timber; some hardwoods. Deer—excellent. Squirrel and woodcock—good. Quail—fair. Unmarked hogs. Thirty miles of improved access roads; several miles of bush-hogged hunter trails. Camping on designated areas—one campground complete with water and outdoor toilets. (Jackson-Bienville has the best hunter success ratio in the state for deer).

**Lacassine Wildlife Refuge:** a federal refuge in Cameron Parish just northeast of Grand Lake. Provides waterfowl hunting each season. For further information contact the U.S. Fish and Wildlife Service, Lacassine National Wildlife Refuge, Lake Arthur, LA. Marshland—31,125 acres.

**Loggy Bayou Wildlife Management Area:** 2,643 acres south of Shreveport. Bottomland hardwood terrain. Excellent game producing area. Rabbit—excellent. Squirrel and quail—fair. Deer hunting—good. Camping on designated areas. Campgrounds also available in Shreveport.

**Lutcher-Moore Wildlife Management Area:** 54,269 acres 15 miles southwest of Leesville. Upland areas; slash pine. Rolling hills interlaced with creeks. Hardwoods along water courses. Poorly drained flats in the southern sectors. Excellent quail hunting. Deer and woodcock—good. Squirrel, rabbit, and dove—fair. Turkey are not hunted. Access via Hwy. 28; entrances marked. Good interior roads. Camping on designated areas.

**Manchac Wildlife Management Area:** 5,200 acres in St. John Parish between Lakes Pontchartrain and Maurepas. Marshland terrain. Duck, snipe, rail, and gallinule—good. Rabbit and woodcock—fair. Deer—poor. Entrance by boat only off Hwy. 55 at Manchac via Pass Manchac or North Pass. Interior lacks major waterway network. Limited high ground. No camping permitted at this time.

**Pass-A-Loutre Waterfowl Management Area:** 66,000 acres at the mouth of the Mississippi River. Waterfowl marsh; floating islands of marsh vegetation. Waterfowl hunting only. No permits required. Access by boat via the Mississippi River. Area is 13 miles downriver from Venice, which is at the southern end of Hwy. 23. Camping allowed along the Mississippi Levee and oil company spoil levees.

**Pearl River Wildlife Management Area:** 26,986 acres in St. Tammany Parish. River swampland. Turkey—excellent. Deer and squirrel—good. Rabbit—fair. Unmarked hogs. Experimental raccoon season. Highway access

excellent; I-10 bisects the tract. Interior access largely by small outboard boat. Camping on designated areas—one campsite on the west side of the area is opened for public use (Crawford's Landing).

**Peason Ridge Wildlife Management Area:** 33,488 acres in Vernon, Natchitoches, and Sabine Parishes. Pine-with-hardwoods. Quail—excellent. Woodcock—good. Deer, squirrel, rabbit, dove—fair. All hunting by season permit and military clearance. Entrances via Hwys. 117 and 118. Fair roads within the interior. No campgrounds.

**Point-Au-Chien Wildlife Management Area:** 28,243 acres approximately 15 miles southeast of Houma. Slightly brackish marsh; timber stands adjacent to natural bayous and oil company levees. Deer, rabbit, squirrel, rail, and waterfowl—good. Morning hunting only for waterfowl. Rabbit hunting with beagles allowed after waterfowl season closes. Access by driving to Point-au-Chien from Houma on Hwys. 55 and 65. Boat ramp at the end of the road at Point-au-Chien. Marine access through Grand Bayou and St. Jean Charles Canal. No campgrounds.

**Red Dirt Wildlife Management Area:** 38,555 acres in south-central Natchitoches Parish. Pure pine with narrow stands of hardwoods along stream bottoms. Deer, squirrel, and quail—good. Rabbit and woodcock—fair and limited to stream bottoms. Unmarked hogs. Entrances via Hwy. 1 on the east, and 171 on the west. Interior roads maintained. Camping on designated areas.

**Red River Wildlife Management Area:** 17,804 acres in southern Concordia Parish. Varied terrain. Deer—excellent. Squirrel and rabbit—good. Waterfowl hunting—good. Turkey being stocked. Access from Hwy. 15 onto Red River levee. No roads within the interior. Camping on designated areas—35 acres of campgrounds with water and four comfort stations are available.

**Russell Sage Wildlife Management Area:** 14,600 acres 10 miles east of Monroe. Pure bottomland hardwoods. Deer, rabbit, and squirrel—good. Greentree reservoir contains 2,000 acres of good duck habitat. Experimental raccoon season. Entrances via I-20 and Hwy. 80. Interior roads maintained. Camping on one designated area just north of Hwy. 80 near the western boundary.

**Sabine Wildlife Management Area:** 10,500 acres near Zwolle in Sabine Parish. Hilly pine land; sparse hardwoods in stream bottoms. Quail and woodcock—good. Deer and squirrel—fair. More hunter interest would improve area. Entrance via Hwy. 171. Interior roads maintained. Camping on designated areas.

**Sabine Island Wildlife Management Area:** 8,103 acres in west-central Calcasieu Parish. Mostly wetland habitat; some bottomland hardwoods. Rabbit—good. Deer, squirrel, duck—fair. Morning hunting only for ducks. Entrance via Hwy. 109; interior access mainly by boat. No major roads on the tract. No campgrounds.

**Sabine Wildlife Refuge:** a federal refuge in west-central Cameron Parish between Sabine and Calcasieu Lakes. Provides waterfowl hunting. For details contact the U.S. Fish and Wildlife Service, Sabine National Wildlife Refuge, MRH Box 107, Sulphur, LA. Marshland—142,717 acres.

**Saline Wildlife Management Area:** 60,275 acres in lower LaSalle and Catahoula Parishes. Mixed bottomland hardwoods interlaced with numerous bayous and sloughs. Deer—excellent. Squirrel, rabbit, and woodcock—good. Unmarked hogs. Greentree reservoir provides excellent waterfowl hunting. No turkey hunting. Entrance via Hwy. 28. Interior gravel roads maintained. Camping on designated areas—160-acre campground at the extreme southern end of the tract.

**Salvador Wildlife Management Area:** 27,500 acres in St. Charles Parish. Freshwater marsh type: numerous ponds; cypress stands along the northern extremity. Deer, rabbit, squirrel, rail, and waterfowl—good. Morning hunting only for all game species. Access via (1) Bayou Segnette from Westwego into Lake Cataouatche; (2) Sella Canal to Bayou Verret into Lake Cataouatche; and (3) Bayou Des Allemands to the south-west end of the area or on into Lake Salvador and back into the area from Bayou Couba and Lake Cataouatche. Interior access only by boat. No campgrounds.

**Soda Lake Wildlife Management Area:** 1,300 acres 15 miles north of Shreveport. Designed specifically for waterfowl. Hipboots and waders essential. The lake is shallow and easy to wade. Access via Hwy. 1. No roads within the area. No campgrounds.

**Spring Bayou Wildlife Management Area:** 11,600 acres in northern Avoyelles Parish. Bayous and sloughs—40 percent of the tract lies underwater. Rabbit—excellent. Deer and waterfowl—good. Squirrel and woodcock—fair. Entrance via Hwy. 452 onto Spring Bayou Road; by boat via public launching ramp off Hwy. 1 northeast of Mansura. Interior travel by boat only. Camping on designated areas—one improved campground at Boggy Bayou on the north end of Spring Bayou.

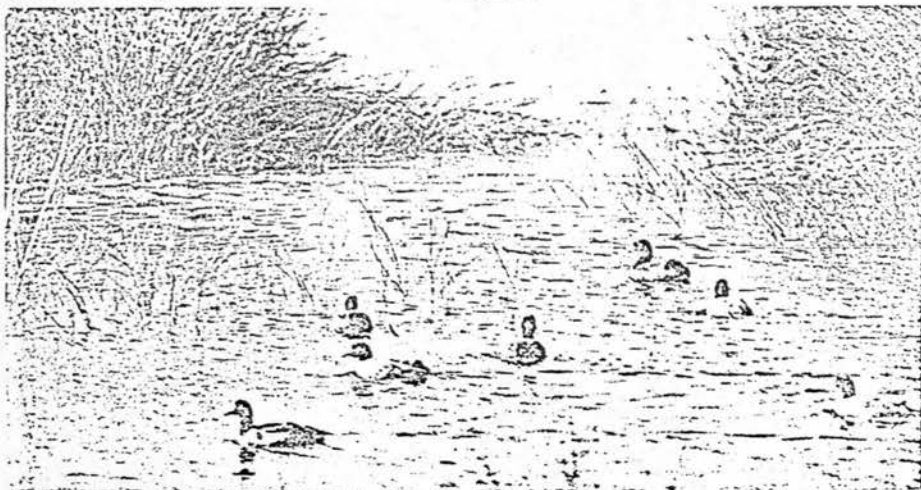
**Thistlethwaite Wildlife Management Area:** 11,000 acres in St. Landry Parish. Pure bottomland hardwoods with palmetto. Deer and squirrel—excellent. Rabbit and woodcock—good. Waterfowl—fair. Unmarked hogs. Entrance via Hwy. 10; clearly marked. Thirty-five miles of interior roads. No campgrounds.

**Three Rivers Wildlife Management Area:** 16,731 acres 10 miles south of Shaw. Predominantly hardwood forest; low and poorly drained. Deer—excellent. Duck and snipe—excellent. Squirrel, rabbit, and woodcock—good. Access via Hwy. 15 on the east and by boat via the Red River on the west. Ten miles of interior roads. Camping designated on two campgrounds.

**Union Wildlife Management Area:** 12,397 acres 3 miles west of Marion. Rolling pine hardwoods; spring-fed streams. Deer—excellent. Squirrel, rabbit, dove, and woodcock—fair. Access via Hwys. 549 and 551. Interior roads maintained. No campgrounds.

**West Bay Wildlife Management Area:** 55,185 acres in Allen Parish. Planted pine plantations to pure mature hardwood stands. Deer and squirrel—good. Rabbit and quail—fair. Closed season on turkey. Entrances via Hwys. 10, 26, and 112. Within the area are 350 miles of maintained roads. Camping on designated areas—provided with water.

**Wisner Wildlife Management Area:** 26,300 acres in Lafourche Parish between Leeville and Grand Isle. Dominantly marsh with a network of connecting bayous, ditches, and lagoons. Rabbit—excellent. Dove—good. Duck, rail, and snipe—fair. Access by boat from a free launch on Hwy. 3090 south of Hwy. 1, from Hwy. 1 into Bayou Moreau two miles west of Caminada Bay, or from the boat launching site at Leeville on Hwy. 1. No campgrounds.



**THE LOUISIANA LAND AND EXPLORATION COMPANY**

SUITE 1200 - 225 BARONNE STREET

P. O. BOX 60360

**NEW ORLEANS 70160**

W. L. MANNING  
MANAGER OF  
ENVIRONMENTAL AFFAIRS

August 3, 1981

Department of the Army  
N.O. District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Attention: Thomas A. Sands, Colonel, C.E.  
Commander and District Engineer

Dear Colonel Sands:

I am attaching hereto two copies of the statement I made concerning the Tentatively Selected Plan for the Atchafalaya Basin, at the Louisiana State University Union Theater, LSU Campus, on Tuesday, July 14, 1981.

The Louisiana Land and Exploration Company, as landowners in the area to be affected by the Avoca Island Levee, request that this statement goes on record, as our position with respect to the proposed levee. Besides the levee having a direct affect on our properties, we also believe it would be detrimental to our ongoing marsh management program for the area.

We appreciate the opportunity to have appeared at your hearing and to submit these remarks concerning the draft environmental impact statement.

Yours very truly,

WILLIAM L. MANNING

WLM:db

Attachment (2)

RESPONSE 19.1: Comment noted.

J-107

19.1



19.2

My name is William L. Manning. I am Manager of Environmental Affairs for The Louisiana Land and Exploration Company, located in our corporate headquarters in New Orleans, Louisiana. My comments today represent the viewpoint of LL&E concerning the "Tentatively Selected Plan" for the Atchafalaya Basin as proposed in your Draft Feasibility Report/Environmental Impact Statement.

The Louisiana Land and Exploration Company owns, in fee, more than 600,000 acres of land in Texas, Louisiana and Alabama, most of which is located within the coastal area of South Louisiana. Throughout our history, we have taken a lead in preserving the ecology of hundreds of thousands of acres of our fee lands. In the course of our operations, we have designed and constructed devices to retard erosion and salt water intrusion at a cost of many millions of dollars in efforts to protect and restore the wetlands. These efforts could not, however, contribute significantly to the problems of wetlands losses.

Wetlands losses for the past 50 or more years, and the eventual destruction of a major portion of the existing marshes in southeastern Louisiana will come about as a direct result of the leveeing of the Mississippi River which has prevented and will continue to prevent bank overflow of the riverborne sediment, especially during spring floods. Because of these levees, the tremendous sediment load, which just a few generations ago not only offset natural subsidence, but built much of southeastern Louisiana, is now funneled into the deep waters of the Gulf of Mexico.

19.3

I believe the Lower Atchafalaya River could be compared to the Mississippi River of a few generations ago, an active delta building stream. Is history to repeat itself? Can we not predict the consequences of eliminating the flow of sediments into the marshes east of the Atchafalaya River? These areas are subsiding now and will continue to do so. Eliminating the nutrient rich sediments from this area will eventually lead to its subsiding beneath sea level and certainly allow further intrusion of saline Gulf waters.

RESPONSE 19.2: Comment noted.

RESPONSE 19.3: Comment noted.

19.4

THE REMEDIES PROPOSED IN THE DEIS, FRESHWATER DIVERSION STRUCTURES IN THE AVOCA ISLAND LEVEE AS A MEANS OF REDUCING MARSH DETERIORATION AND SALT WATER INTRUSION ARE ESSENTIALLY WHAT IS BEING PROPOSED ALONG THE MISSISSIPPI RIVER. THESE STRUCTURES ARE PROPOSED IN AN ATTEMPT TO ALLEVIATE SOME OF OUR SALT WATER INTRUSION AND LAND LOSS PROBLEMS CAUSED BY LEVEEING. I HAVE SERIOUS DOUBTS THAT SUCH STRUCTURES CAN AND WILL HAVE AN APPRECIABLE AFFECT ON THE AREAS EAST OF THE ATCHAFALAYA EXCEPT IN THE IMMEDIATE VICINITY OF THE STRUCTURES. FURTHERMORE, I SUSPECT THAT DURING RIVER FLOOD STAGES, THE MOST OPPORTUNE TIME TO DIVERT SEDIMENT LADEN WATERS, WILL BE THE TIME WHEN BACKWATER FLOODING WOULD REQUIRE THE STRUCTURES BE CLOSED.

AS A LANDOWNER WHOSE LANDS WILL BE AFFECTED BY THE PROPOSED AVOCA ISLAND LEVEE EXTENSION, WE ARE OPPOSED TO ANY LEVEE EXTENSION THAT WOULD ADVERSLY AFFECT OUR PROPERTIES. WE ARE CONVINCED THAT THE AVOCA ISLAND LEVEE, AS PROPOSED, WILL PREVENT THE FLOW OF SEDIMENTS AND NUTRIENTS ONTO THE LANDS OWNED BY LL&E AND OTHERS, AND EVENTUALLY CAUSE ADDITIONAL SALT WATER INTRUSION AND SUBSEQUENT LAND LOSSES.

19.5

IN ADDITION, WE BELIEVE THAT THE RESIDENTS AND BUSINESSES THAT ARE NOW SUBJECT TO BOTH HEADWATER AND BACKWATER FLOODING NEED MORE POSITIVE PROTECTION THAN THE AVOCA ISLAND LEVEE EXTENSION WOULD PROVIDE. THE DEIS STATES THAT THE LEVEE EXTENSION WOULD REDUCE BACKWATER FLOODING, BUT WOULD NOT PROVIDE ANY PROTECTION FROM HEADWATER OR TIDAL PROBLEMS. CERTAINLY, AS THE AREA SUBSIDES AND IT IS SUBSIDING, AND WILL CONTINUE TO DO SO, HEADWATER FLOODING AND TIDAL PROBLEMS CAN ONLY INCREASE.

19.6

IN CONCLUSION, LET ME REITERATE OUR POSITION. WE FULLY SUPPORT PROTECTING THE RESIDENCES AND BUSINESSES LOCATED IN FLOOD PRONE AREAS FROM ALL SOURCES OF FLOODING. WE DO NOT BELIEVE THE AVOCA ISLAND LEVEE WILL AFFORD THIS PROTECTION, THEREFORE, WE STRONGLY OPPOSE ITS CONSTRUCTION SINCE IT WILL ADVERSLY AFFECT OUR PROPERTIES.

RESPONSE 19.4: In the Recommended Plan, implementation of the Avoca Island levee extension and/or other measures associated with backwater flood protection are recommended to be delayed until completion of additional detailed engineering and biological studies of the bay-marsh-backwater complex.

RESPONSE 19.5: The Corps concurs with your statement that headwater and tidal problems can only increase in the future.

RESPONSE 19.6: Comment noted.



**MID-CONTINENT**  
OIL AND GAS ASSOCIATION

333 LAUREL ST., ROOM 740 COMMERCE BLDG., BATON ROUGE, LA. 70801



ROBERT L. GOODWIN, PRESIDENT  
ROBERT R. BROOKSHEN, EXECUTIVE VICE-PRESIDENT  
WILLIAM C. BAILEY, JR., VICE-PRESIDENT

August 4, 1981

Department of the Army  
New Orleans District, Corps of Engineers  
P. O. Box 60267  
New Orleans, LA 70160

Re: Atchafalaya Basin Study

Gentlemen:

Mid-Continent Oil and Gas Association, Louisiana Division, has followed with great interest the development of a multi-use plan for the Atchafalaya Basin. Mid-Continent is a trade association representing individuals and companies who together produce, transport, refine, and market approximately 90% of Louisiana's oil and gas resources.

In January of 1979 (20 January 1979, public hearing in Baton Rouge) the association presented testimony criticizing the presentation of alternatives for the basin for an obvious failure to consider the importance of oil and gas activity in the Atchafalaya Basin study area and the impact various alternatives would have on such activities. The apparent initial consideration of oil and gas activity at this stage of the study was limited to the following statement in a public notice of 15 December 1978: "Mineral rights would be retained by present owners with exploration and extraction opportunity being essentially the same as now." (pg. 7).

As was pointed out in testimony of 20 January 1979, this statement does little to assure that oil and gas exploration, production, and transportation activity would continue upon implementation of the multi-use plan. It was pointed out that access to potential oil and gas areas within the basin was of the utmost importance if exploration and extraction opportunity was to remain "essentially the same as now." Admittedly, at this early stage of development, the various alternatives for the basin could not be presented in great detail. At the same time, however, it was obvious that little consideration as to potential impacts to the industry was given at this stage of planning. It was simply assumed that oil and gas activity would not be significantly affected by the alternatives presented. Unfortunately, it was very difficult to comment on the alternatives without consideration of the necessary details of implementation.

RESPONSE 20.1: Comment noted.

VICE-PRESIDENTS:

SOUTHWEST LOUISIANA:

DONALD E. JESSUP  
E. L. LIVELY  
NELSON J. SAPP  
L. LEE WELCH

W. L. ADAMS  
JOHN F. BRICKER  
J. H. BROWN  
B. S. FLOWERS  
A. C. GARNER, JR.

SOUTH LOUISIANA:

HUGH KELLY  
D. W. KOHLMAN  
R. L. MCGANNON  
G. B. SCARBOROUGH

ROBERT SHIELDS  
J. B. STOREY  
R. W. UPCHURCH, JR.  
E. L. WILLIAMSON

NORTH LOUISIANA:

DAVID GARDNER  
LEONARD JORDAN  
J. C. TEMPLETON  
N. H. WHELESS, JR.

J-110

20.1

20.1

Several scenarios could be envisioned which would have created serious impacts on the oil and gas industry. The most serious, of course, involved the potential impact of fee acquisition.

20.2

In later meetings, however, with various Agency Management Entity groups, the potential impact of the "management unit" concept was discussed in great detail. As discussed, the creation of management units in the basin without consideration of present and future oil and gas activity could preclude such activity in those areas contained within the units.

Obviously, the future of oil and gas activity in the basin is entirely dependent on the ability of the industry to gain access to those areas judged to be of oil and gas potential. Unfortunately, we don't know at this time where those areas might be. We do know that the basin has in the past, and is presently, a most productive oil and gas area.

20.3

As we were at the outset of the planning process we continue to express our concern with the lack of specificity and detail in the plans proposed for the basin as presented most recently in the Feasibility Report/Environmental Impact Statement. It is obvious that more attention has been directed to the value of the oil and gas industry to the Atchafalaya Basin geographical area specifically and to the State of Louisiana and the United States more generally. As reported, the socio-economic importance of oil and gas to the Atchafalaya Basin Study Area is most significant. It is expected that this will continue to be the case for the foreseeable future. With additional exploratory efforts, it is hoped that the area will produce new-found reserves.

20.4

While the importance of oil and gas resources is cited in the Feasibility Report/EIS, the lack of more specific detail gives cause for concern. Certain statements in the report are particularly troublesome. One example is that found on page EIS-294: "The frequency and magnitude of these impacts (to the oil and gas industry resulting from the implementation of environmental features of the basin plan) are presently unknown, however, the potential for significant impacts would exist." In several other areas of the report it is suggested that oil and gas activity will be merely "inconvenienced." On page EIS-295 it is stated that: "Operation of the floodway system would cause substantial damages to the petroleum and natural gas industries within the basin. All oil and gas fields in the basin would suffer losses with production dropping by 60-90 percent (U.S. Army Corps of Engineers, 1974a). Besides production losses, damages to physical equipment facilities would occur." While it is not stated, we presume the author is discussing temporary production shut-ins during high-water periods.

RESPONSE 20.2: The creation of management units would not preclude oil and gas activity within the areas involved. Access would still be available. It is probable, however, that management unit construction and operation would inconvenience such activity. At present, access into many areas of the basin is available by numerous avenues. If management units were built, the number of avenues could be reduced. Thus, additional time and distance requirements to reach well sites could be expected.

RESPONSE 20.3: Comment noted.

RESPONSE 20.4: The statement quoted from page EIS-294, refers only to management units and not to all environmental features of the plan. It is not possible to determine the extent of potential impacts to the oil and gas industry from this feature until additional studies of pilot units are conducted. Such studies are proposed as a part of the Recommended Plan. The quote from page EIS-295 does refer to temporary production shut-ins during high-water periods. The text has been changed to clarify this point.

20.5

In addition to the above, concern must be expressed with the potential access impacts caused by the creation of "greenbelts." Would access problems result from such a designation? It is suggested in several areas of the report that canal closures would be necessary in the implementation of the management unit concept. This feature of the plan could cause significant access problems. On page EIS-58 it is stated: "Certain rights are considered necessary for preservation of fish and wildlife habitat and maintaining the 'wet and wild' environmental appeal of the lower floodway. Such rights would include control over all excavation and landfill operations, and allow for extension of the time and duration of flooding by natural or artificial means." We are unsure whether this statement suggests additional regulatory controls on dredge and fill and similar necessary activities in the Atchafalaya Basin area. We are of the opinion that controls in addition to the 404 and CZM programs, as well as other federal and state regulatory programs, are unnecessary.

20.6

A final note concerns the proposal submitted by the State of Louisiana regarding the Atchafalaya Basin. You will note that the proposal has incorporated specific provisions addressing future access rights within the basin assured the oil and gas industry. While the statement of rights is included in the attachments of Volume 2 of the Feasibility Report/EIS (Appendix A, Attachment 1), we are unsure if the language has been proposed for inclusion in the final report. We would suggest that language similar to that proposed by the state be included in the final report.

20.7

In conclusion, Mid-Continent Oil and Gas Association is most concerned with the potential impact the final Atchafalaya Basin Plan may have on the oil and gas industry. As a result, we again ask that more consideration be given the Atchafalaya Basin as a most productive and significant potential area for this nation's energy needs. We must reserve final judgment on the proposal until such time as more specificity and detail is presented.

We are most appreciative of this opportunity to again submit comments on the plans and planning process for the future of the Atchafalaya Basin.

Sincerely,

  
R. MICHAEL LYONS

RESPONSE 20.5: "Greenbelts" are not a part of the final Recommended Plan. It is doubtful, however, that access problems would have been created by retaining such a feature. Canal closures should not cause significant access problems. These closures would not be made across canals being actively used by the oil and gas industry for crew boat, barge, or similar access needs. Closures would be made across certain pipeline canals where boat access is not needed for oil and gas activity or to close old access canals which are no longer being used, which have been abandoned, or which may not be effectively plugged due to erosion of original closures made in the past. Additional controls on dredge and fill and similar activities are deemed appropriate. As pointed out in Section 6 of the EIS, some additional controls could become necessary in order to implement the management unit concept.

RESPONSE 20.6: The statement of rights remains an attachment of Volume 2, Appendix B, of this final report/EIS.

RESPONSE 20.7: Comment noted.

# SCHIFF HARDIN & WAITE

1101 Connecticut Avenue, N.W., Washington, D.C. 20036  
Telephone (202) 857-0600

## CHICAGO OFFICE:

7200 Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606  
Telephone (312) 876-1000 Twx 910-221-2463

August 21, 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
Department of the Army  
New Orleans District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Re: LMNPD-C

Dear Colonel Sands:

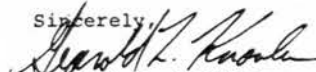
I am submitting these comments with respect to the Tentatively Selected Plan for the Atchafalaya Basin (the Tentative Plan) on behalf of Miss Janet Mertz. Miss Mertz is the owner of a tree farm located near Krotz Springs.

Miss Mertz is very concerned about the impact which the Tentative Plan may have upon the operation of her tree farm. The tree farm is presently managed by a local forestry firm, which applies modern forestry procedures. Miss Mertz would oppose any proposal which would interfere with the present method of operating the tree farm.

Although the Feasibility Report and Environmental Impact Statement are voluminous, it is difficult to determine the impact which the Tentative Plan would have on Miss Mertz' tree farm. I previously requested more specific information from Mr. James Roy. I am enclosing copies of that correspondence. If it is possible, I would like to obtain a more specific response.

I urge that an effort be made to arrive at a solution with the minimum intrusion on the private property rights of landowners in the area. Miss Mertz is hopeful that such a solution will not interfere with the operation of her tree farm.

Sincerely,

  
Gerald L. Knowles

/mjo

Enclosures

cc: Miss Janet Mertz

RESPONSE 21.1: The Recommended Plan should have little impact upon the tree farm in question unless some portion of it were needed for project construction purpose. Such does not appear likely at this time. The recommended environmental and nondevelopment easement features of the plan would, however, preclude any future change in the use of the property to a non-forestry use.

J-113

21.1

SCHIFF HARDIN & WAITE

1101 Connecticut Avenue, N.W., Washington, D.C. 20036  
Telephone (202) 857-0600

CHICAGO OFFICE:

7200 Sears Tower, 233 South Wacker Drive, Chicago, Illinois 60606  
Telephone (312) 876-1000 Twx 910-221-2463

July 20, 1981

Mr. Jack Roy  
Chief of Planning Division  
U.S. Army Corps of Engineers  
New Orleans District  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Mr. Roy:

I appreciate your offer during our recent telephone conversation to assist in determining the impact which the "Tentatively Selected Plan" for the Atchafalaya Basin would have on the tree farm near Krotz Springs owned by Miss Janet Mertz. I am primarily interested in the affect, if any, implementation of the Tentatively Selected Plan would have on current operation of the tree farm. In addition, although Miss Mertz presently has no plans to change the use of the property, I would like to know what impact the Plan would have on Miss Mertz' options to change the use of the property. Since Miss Mertz may desire to submit written comments, if that appears appropriate, I would appreciate receiving the information from you sufficiently in advance of that deadline.

The tree farm consists of the 640 acres located in Section 23, St. Landry Parish. Traveling west on highway 190 from Baton Rouge after crossing the Atchafalaya at Krotz Springs one should turn left on the first road and follow the levee for approximately one mile in order to reach the oil fields. The parking lots for the office at the oil fields is located at one end of the property owned by Miss Mertz. I am enclosing a plat map showing a survey of that east line property. If you have further questions concerning the location of the property, please contact Mr. Walter Stokes, a forestry engineer who performs services for Miss Mertz. Mr. Stokes is with the firm of Bennett & Peters in Baton Rouge ((504)927-3500).

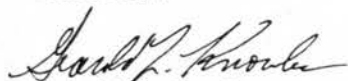
411-5

SCHIFF HARDIN & WAITE

Mr. Jack Roy  
July 20, 1981  
Page Two

Colonel Sands has always been most cooperative when I have spoken with him regarding this matter. Your prompt assistance will be appreciated.

Sincerely,

  
Gearold L. Knowles

/mjr

Enclosures

cc: Miss Janet Mertz  
Mr. Walter Stokes

J-115



LMNPD-RE

DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160



28 July 1981

Mr. Gearold L. Knowles  
Schiff Hardin & Waite  
1101 Connecticut Avenue, NW  
Washington, DC 20036

Dear Mr. Knowles:

Reference is made to your letter of 20 July 1981 concerning the probable effects of the proposed tentatively selected plan on property owned by Miss Janet Mertz in the Atchafalaya Basin.

Based on your description of the location of the property, it would likely be affected by several of the proposed real estate rights or easements, both for flood control and environmental protection purposes. I have highlighted on pages 3 and 4 of the inclosed copy of the public meeting announcement the most probable easement rights which would be purchased.

The tentatively selected plan includes the Henderson area as a pilot management unit. However, present plans do not call for increasing flooding in any areas north of Bayou Courtableau.

If I can be of further assistance in this matter, please let me know.

Sincerely,

JAMES F. ROY  
Chief, Planning Division

1 Incl  
As stated

911-f



**Tenneco Oil**  
**Exploration and Production**  
A Tenneco Company



P.O. Box 206  
Houma, Louisiana 70361  
(504) 879-3528

August 24, 1981

Thomas A. Sands  
Colonel, CE  
Department of the Army  
New Orleans District  
Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

Ref: Tentative Selected Plan for  
the Atchafalaya Basin Floodway  
System as proposed in Draft  
Feasibility Report/Environmental  
Impact Statement

Dear Colonel Sands:

Tenneco Oil Company owns approximately 183,000 acres of marshland in the Coastal area of South Louisiana. For many years we have carried out Sound Management Practices for the purpose of reducing erosion and salt water intrusion. In addition these practices have enhanced the habitat for fish, wildlife and waterfowl. In accomplishing this we have spent several million dollars.

We have followed the development of the Tentative Selected Plan for the Atchafalaya Basin Floodway System with particular concern for the Avoca Island Levee Extension for reducing backwater flooding in the area east of the lower floodway.

Since the extension of the levee will reduce the flow of fresh water and sediments to the marshes east of the Lower Atchafalaya River we are very concerned that there will be an accelerated rate of deterioration. It appears that there is very little data available on hydrologic changes which could be expected or anticipated.

The Tentative Selected Plan proposes a fresh water diversion structure as a means of reducing marsh deterioration and salt water intrusion. It appears that the optimum time for diverting fresh water and sediment flows will be during river flood stages. This period will probably be the time when headwater flooding will require that the structure be closed. In addition there is reason to believe that the sediment and nutrient that does pass through the diversion structure would settle or fall out before reaching the marshes which need them.

RESPONSE 22.1: The final Recommended Plan recommends delaying implementation of the alternative to address backwater flooding in order to expand by further studies the data base for predicting hydrologic and biologic changes which may occur.

RESPONSE 22.2: Should the further studies favor implementation of extending the Avoca Island levee, water diversion structures would be built as part of the project. The structures would allow some sediments to enter the marsh area but not as much as if the levee was not extended. They should function, however, to allow dissolved nutrients to continue entering the marsh in large quantities. They would also function to counteract saltwater intrusion.

August 24, 1981

Colonel Sands:

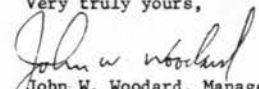
Since Tenneco has extensive land holdings in western Terrebonne Parish which will be adversely affected by the Proposed Avoca Island Levee Extension, we are requesting that the Corps suspend action on this initial proposal and begin immediately to compile data which would reflect water circulation patterns in the marsh area that may be affected. We also suggest that you investigate other methods by which fresh water diversion can be accomplished.

On August 7, 1981 Corps of Engineers officials held a meeting in Houma to discuss the Atchafalaya Management Plan. A Corps official stated that the levee extension is only an interim system to allow more time for additional studies on flooding east of Morgan City. It was also pointed out that the levee extension would reduce backwater flooding and would not provide any protection from headwater or tidal problems.

We further recommend that the Corps of Engineers review its efforts and develop an alternative comprehensive plan for complete flood protection east of Morgan City which would have minimum adverse effects on the wetlands.

We thank you for the opportunity to express our view.

Very truly yours,

  
John W. Woodard, Manager

Tenneco La Terre

RESPONSE 22.3: The Recommended Plan should accommodate the desires expressed in this part of the letter.

JWW/rt

22.3

J-118



PETROLEUM PRODUCTS

PRODUCING EAST

TEXACO  
U.S.A.  
A DIVISION OF TEXACO INC.  
P. O. BOX 60252  
NEW ORLEANS, LA. 70160

August 4, 1981

TENTATIVELY SELECTED PLAN FOR  
THE ATCHAFALAYA BASIN  
LOUISIANA

District Engineer  
U.S. Army, Corps of Engineers  
P. O. Box 60267  
New Orleans, LA 70160

Dear Colonel Sands:

Our office received notice of the Corps' public hearings regarding the Tentatively Selected Plan for preservation of the Atchafalaya Basin. Several Texaco employees attended the hearings in Baton Rouge, Lafayette and New Orleans and we would like to express our appreciation for the opportunity to submit comments.

The Atchafalaya Basin is a natural flood control area which serves to protect Southeast Louisiana from the disastrous consequences of Mississippi River flooding. Texaco Inc.'s presence in the Basin is twofold: (a) as an oil company and (b) as a concerned landowner. As an oil company we are dedicated to establishing a lasting supply of domestic oil and gas, so vitally needed by our country. As a landowner, we are concerned with protecting and preserving the environment. In pursuing these dual goals we accept certain responsibilities and limitations upon our ownership and activities. Our comments are divided into two categories reflecting these principles.

I. Tentatively Selected Plan -- General Overview

In the Corps' Main Report and Environmental Impact Statement, Volume I, the economic value of the oil and gas industry in the Atchafalaya Basin is recognized. Texaco Inc. is vitally interested in maintaining access to our producing fields and fee lands located in the proposed Management Units. These avenues of access are continually threatened by changing water regimes and sedimentation.

RESPONSE 23.1: Comment noted.

RESPONSE 23.2: The creation of the Henderson management unit should not affect access into the Plumb Bob oil and gas field since existing access routes would remain open if this unit were built. Some restrictions on access could occur in other areas.

23.2

Attached, for your consideration, is a map which details present waterways used to gain access to our Plumb Bob, Fausse Pointe, Lake Mongoulois and Bayou Des Glaisses Fields as well as our Alligator Bayou Gas Plant. These fields are extensively productive. Access to these areas will be significantly affected by creation of the Buffalo Cove and Henderson Lake Pilot Management Units. Creation of the remaining three management units are also expected to create serious operational problems in the Basin.

23.3

J-120

Texaco has had discussions with the United States Fish and Wildlife Service, through the Louisiana Mid-Continent Oil and Gas Association, to establish certain guidelines which we believe are reasonable for inclusion in any plan of Basin management. Attached is a copy of these guidelines together with a transmittal letter from Mr. Cary W. Kerlin, Field Supervisor, U.S. Fish and Wildlife Service. We strongly urge that the Corps consider adopting the guidelines as part of the Final Plan for the Basin.

23.4

It should also be pointed out that extension of the Avoca Island Levee will divide our Bateman Lake and Sweet Bay Lake Fields. Navigation will be hindered east of the levee and we therefore request that the plans be modified to accommodate our access needs.

## II. Real Estate Management of Basin Property

### State of Louisiana's Plan for Basin Real Estate Management

23.5

Texaco agrees that the Atchafalaya Basin is a natural treasure that Louisiana and its citizens highly value. The public should be able to enjoy its picturesque swamps and creatures, fish in its numerous waterways, and otherwise experience the Basin's natural offerings. To achieve the goals of preservation, public access and continued oil and gas activity, we generally support the State of Louisiana's plan for the Basin's real estate management. This plan is comprised of four (4) easements - A-1, A-2, A-6 and A-7. We are in accord with A-1, A-6 and A-7 briefly explained below:

#### Easement A-1

State acquisition of 1500 acres in fee simple for public use under strict state supervision. Mineral rights would be retained by the original property owner.

RESPONSE 23.3: Comment noted.

RESPONSE 23.4: The Recommended Plan delays implementation of the Avoca Island levee extension until completion of additional detailed studies. However, it seems doubtful that this levee would divide the two oil and gas fields mentioned even if it were to be constructed. The levee alignment would lie along the east bank of the Lower Atchafalaya River south of the present end of the levee.

RESPONSE 23.5: Comment noted.

Easement A-6

Protects cypress-tupelo forests.

Easement A-7

Allows a landowner practical use of his property and mineral rights. In return the landowner concedes the government shall have the right to flood property and do whatever else is necessary to maintain the Basin as a flood control area.

Easement A-2

Creates several problems from both an oil and gas and private landowner viewpoint -- problems which we feel have no solutions. Generally speaking this easement is identical to Easement A-7. However, it also provides public access to private property along specified navigable waterways. These public access areas are known as 'greenbelts' and 'perimeter greenbelts'. (The State has not revealed exactly which waterways will be involved.) A greenbelt area will encompass a 300 foot access on each side of the navigable waterway. A perimeter greenbelt area will encompass a one-quarter (1/4) mile access adjacent to the Basin's guide levees. Discussion of three basic problem areas associated with Easement A-2 is set forth below:

1) Personal Injury Questions

Texaco's Basin property is used for numerous activities including fishing and hunting camp sites, forestry activities and oil and gas operations. Portions of the property are leased to third parties, portions are maintained by Texaco, while still other portions are leased from third parties to Texaco. One such third party is the State of Louisiana, a major oil and gas lessor not only of Texaco but of other energy companies as well.

Discounting oil and gas operations, Easement A-2 would at a minimum cause constant policing of those areas subject to public access along the greenbelt strips. Since many groups have already adopted the slogan for the Basin as "wet and wild", what standard of care would a landowner be required to maintain property that is in its raw natural state? This uncertainty as to maintenance standards "cracks open" the door for personal injury suits involving accidents on our privately held property. Where there is public access there most assuredly are personal injury situations.

RESPONSE 23.6: The A-2 easement has been eliminated from the final Recommended Plan.

In the areas where we engage in oil and gas operations we face a two-fold problem:

- a) Recently enacted hold harmless legislation prohibits indemnification agreements between a contractor and an oil company. Should personal injury occur on a site where drilling and development activities are being conducted, even though said activities are physically conducted by a third party on a contract basis, the oil company is still subject to suit as the record holder. Implementation of Easement A-2 would greatly increase these probabilities.
- b) There is a section in tort law known as the 'attractive nuisance doctrine'. Examples are trucks, cranes, machinery and oil field equipment that can fascinate children. Allowing the public access to oil and gas activity areas imposes an unreasonable burden of safety. The result is tragedy we would rather avoid and a revolving door of personal injury law suits.

#### 2) Trespass and Lack of Supervision

The Real Estate Management Plan for the Basin does not address itself as to how the State proposes to prohibit the public from wandering beyond the 300' and one-quarter (¼) mile greenbelt and perimeter greenbelt boundaries. The areas in question are wilderness areas where people can easily get lost. The plan does not address itself to the additional personnel necessary to aid the public. Will this responsibility rest with the landowner, or will the State assume these duties?

Further, the status of Louisiana's trespass laws are at this time unclear. A new statewide trespass law will probably not be effective until after August, 1982. This uncertainty brings two additional questions to light.

- a) Will a landowner be responsible for a person's safety and welfare once he is past the greenbelt boundaries?

and,

- b) What means does a landowner have to protect his property from accelerated unsolicited third party use nurtured by access to the greenbelt areas?

3) Property Maintenance

23.6

The landowner is and will continue to be responsible for the upkeep of his property in these access areas. It is unreasonable for landowners to incur the added cleanup and supervisory expense resulting from public use. The overall plan has never suggested where such responsibility will lie.

Alternative to Easement A-2

23.7

J-123

The Louisiana Landowner's Association has suggested that the State of Louisiana acquire 80,000 - 90,000 acres of land scattered throughout the Basin. These parcels are to be acquired through donations and purchases. This acreage would be used for public access and would be owned and managed at the State's discretion. This alternative would grant to the public the access it desires while at the same time relieve landowners of the overburdensome responsibilities and limitations placed on their private holdings. This is a concept which Texaco could support in principle and would reduce real estate management conflicts.

Multi-Use Concept

23.8

The Atchafalaya Basin is abundantly rich in natural resources, both above and below the surface. Much attention has been focused on protecting its fish, wildlife and natural charm. Texaco believes that these are very important features to consider, however, we must go one step further. Let us consider a 'multi-use plan' which integrates oil and gas development, so essential for future, economic, social and recreational needs with environmental stability. Petroleum activity can exist harmoniously with our Atchafalaya Basin heritage. Oil and gas development in environmentally sensitive areas has proven this point. Examples are located right here in Louisiana in the numerous wildlife refuges along the coast of the Gulf of Mexico.

Texaco, as well as all Louisiana citizens, has a vital interest in oil and gas development. The bonuses, royalties, severance taxes and jobs generated as a result of State owned oil, gas and mineral leases within the Basin have helped establish the thriving economy which we presently enjoy. We therefore caution against restrictive and overburdensome oil and gas regulations.

RESPONSE 23.7: This is basically what the final Recommended Plan proposes for public access purposes.

RESPONSE 23.8: Comment noted.




As a landowner and an energy company, we urge you to consider our comments in any final management plan. The 'multi-use management concept' illustrated above best achieves the goals of all concerned. It:

- a) maintains the Basin in its existing state
- b) protects existing habitat in the Basin
- c) preserves the historical overflow pattern in the Basin
- d) serves to conduct selective forest management procedures to avoid clear cutting
- e) keeps cleared lands free from crop farming, and
- f) continues present development of oil, gas and other minerals in harmony with the Basin's environment

Should you have any questions pertaining to our comments, please do not hesitate to contact us. Thank you again for your time and cooperation.

Yours very truly,

By

  
R. H. ABBOTT  
General Manager

RRO'D/ELP/LCR  
jcb: 2/2

w/attachments

cc: Mr. Frank A. Ashby, Jr., Secretary  
Dept. of Natural Resources  
P. O. Box 44396  
Baton Rouge, LA 70804

Mr. James B. Curley, Assistant Secretary  
Office of Mineral Resources  
P. O. Drawer 2827  
Baton Rouge, LA 70821



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

P. O. Box 4305  
Lafayette, Louisiana  
70502

September 4, 1979

Mr. Robert Brooksher  
Executive Vice-President  
Mid-Continent Oil and Gas Association  
519 Fidelity Bank Building  
Baton Rouge, Louisiana 70801

Dear Mr. Brooksher:

Reference is made to my July 25, 1979, letter to you and to the August 31, 1979, meeting among members of our respective staffs. In view of the fact that oil and gas activities are fully compatible with any multipurpose plan, the Fish and Wildlife Service is amenable to inclusion of the attached language into any authorization for establishment of the Atchafalaya Fish, Wildlife, and Multi-Use Area.

As indicated in my letter of July 25, the presence of existing laws, regulations, guidelines, and policies is recognized, and the attached language is not intended to supercede nor conflict with these established safeguards. Further, no implication of any lessening of our review and permit efforts should be construed in the proposed language.

Your representatives indicated the possibility that your Association's Environmental Committee could review and, hopefully, concur in the attached language by late September 1979. I trust that this can be accomplished and would appreciate your contacting David Soileau as soon as possible once this goal has been achieved.

Sincerely yours,

A handwritten signature in cursive script, reading "Cary W. Kerlin", is written above the typed name.

Cary W. Kerlin  
Field Supervisor

Attachment: As Stated

Oil and Gas Activities  
in the  
Atchafalaya Fish, Wildlife, and Multi-Use Area

The United States Department of the Interior's Fish and Wildlife Service, in proposing the Atchafalaya Fish, Wildlife and Multi-Use Area, recognizes that oil and gas activities would be fully compatible with any operational, multipurpose plan established for that area. It is, therefore, the intent that such activities, within the area, will not be subject to any additional restrictive regulations affecting oil and gas activities.

Furthermore, mineral owners, mineral lessees and pipeline companies shall have the right to use surface and subsurface property of the Atchafalaya Fish, Wildlife and Multi-Use Area as may be necessary for the conducting of operations for the exploration, development, production, storage, transportation and marketing of oil, gas and other liquid or gaseous minerals, including but not limited to, the construction, maintenance and operation of wells, pumping units, pipelines, storage tanks, valves, meters and other above or below ground facilities relating to such exploration, development, production, storage, transportation, or marketing. In addition, this right shall particularly include, but shall not be limited to, the following actions where normally associated with oil and gas exploration, development, production, storage, transportation, or marketing:

- (1) access to all parts of the Atchafalaya Fish, Wildlife, and Multi-Use Area on a year-round basis;
- (2) access via all navigable waterways;
- (3) right to dredge, maintain, and use canals as needed for the exploration for and production and transportation of oil, gas, and other liquid or gaseous minerals;
- (4) with respect to the construction, use, and maintenance of production facilities, the right to:
  - a) dike and fill
  - b) place facilities on pilings
- (5) the right to construct, maintain, operate, and use pipelines and flowlines for the transportation of oil, gas, water (salt or fresh), and other liquid or gaseous minerals. The pipelines and flowlines will be constructed in accordance with standards prevailing in the industry;

(6) where land access is available to a location, the right to construct, use and maintain suitable roads. Water levels in management units shall be regulated, as closely as possible, to simulate natural overflow patterns, thus facilitating coordinated planning of such road locations and elevations with water management plans;

(7) the right to construct, use, and maintain electric utility and telephone lines;

(8) the right to drill, use and maintain wells for the disposal of produced water;

(9) the right to excavate, use, and maintain pits and other facilities normally needed in connection with oil and gas exploration and production operations;

(10) the right to conduct or have conducted geological surveys including those that require the use of explosives;

(11) the right to dispose of drilling muds and other waste in the manner and to the extent required by State and Federal law.

J-127



# Wildlife Management Institute

709 Wire Building, 1000 Vermont Ave., N.W., Washington, D.C. 20005 • 202 / 347-1774

DANIEL A. POOLE  
President

L. R. JAHN  
Vice-President

L. L. WILLIAMSON  
Secretary

JACK S. PARKER  
Board Chairman

PLEASE REPLY TO:

Murray T. Walton  
Southcentral Representative  
Star Route 1A, Box 30G  
Dripping Springs, Texas 78620  
512-825-3473

August 18, 1981

Colonel Thomas A. Sands  
U.S. Army Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

The Wildlife Management Institute has reviewed the Draft Feasibility Report/ Environmental Impact Statement on the Atchafalaya Basin Floodway System, Louisiana (DFR/EIS). We request that our statement at the New Orleans Public Hearing on July 22, 1981 be incorporated by reference and offer the following additional comments.

The Institute acknowledges the need for alteration of the Atchafalaya floodway to provide additional capacity, however, we do not agree that the "Tentatively Selected Plan" as presented in the DFR/EIS is the best plan for long term flood protection and other environmental amenities. The discussion of authorized and nonauthorized features (p. 19, EIS-18), separable features (p. EIS-18), phased implementation of water management units (p. EIS-54), and uncertainty over Avoca Island Levee extensions (p. EIS-63) raise considerable doubt as to what is or is not being proposed. It is somewhat difficult to assess the impacts with such a moving target. The Corps should firm up alternatives and provide for implementation of a complete plan to address flood control and environmental values.

The uncertainty over the Avoca Island Levee extensions is especially disturbing. Table 6-8 (p. EIS-187) lists studies to determine impacts and mitigation measures for this feature. Although an EIS doesn't have to "dot all the i's and cross all the t's" there is a requirement to provide "full and fair discussion of significant environmental impacts" (40 CFR 1502.1). The Corps has simply put forth too little scientific evidence. Furthermore, in claiming benefits for levee extensions, the Corps calculates protection benefits for swamps, wetlands, and agricultural areas which can be expected to be lost to subsidence and saltwater intrusion induced or aided by the levee itself and which may be insufficient due to headwater or storm tide flooding.

The DFR/EIS fails to include a discussion of related federal actions (including Corps Projects and permitting authority) which are related to the Atchafalaya Floodway and flooding in the backwater area to be affected by the Avoca Island Levee Extension. Headwater flooding in the backwater area has been directly affected by upstream drainage projects to which the Corps has been a party. The EIS should discuss such projects and permit activities.

RESPONSE 24.1: The final Recommended Plan presents as complete a plan to address flood control and environmental values as can be formulated at this time.

RESPONSE 24.2: The DEIS did present a full and fair discussion of the impacts of Reach 1 (14,000-feet) of the Avoca Island levee, the only reach proposed in any plan. The final Recommended Plan delays implementation of extension of the Avoca Island levee although the available evidence indicates that certain environmental benefits to swamps and wetlands would occur if the levee was extended. Certain losses would also occur, but is is not possible at this time to determine their absolute magnitude. The levee extension would not contribute to an acceleration in the subsidence rate.

RESPONSE 24.3: There are two major Federal actions which could be related to flooding in the backwater area since they are designed to provide more rapid drainage of headwaters resulting from rainfall. These projects are the US Soil Conservation Service Lake Verret Watershed project and the US Army Corps of Engineers' Choctaw Bayou and Tributaries project. The Lake Verret project is under construction now, while the Choctaw Bayou project has been completed. The Lake Verret project is designed to improve drainage of agricultural lands along the Mississippi and Lafourche ridges between Plaquemine and Thibodaux, Louisiana, while the Choctaw Bayou project would do the same for lands along the Mississippi River west of Baton Rouge and northwest to False River. Both of these projects would cause more rapid movement of rainfall runoff into the central parts of the Lake Verret basin. The Soil Conservation Service has reported that this accelerated runoff could raise downstream stages by as much as 0.3 foot during a 100-year frequency storm. No data are available to estimate similar impacts from the Choctaw Bayou project, although such impacts would be likely to occur.

24.4 The discussion of mitigation for past project damages (p. EIS-17) is hardly sufficient for an on-going action. The fact that the Corps does not wish to pursue such a course is hardly reason to dismiss a viable alternative or action prior to circulation of an EIS.

24.5 In regard to the water management units and the proposal for phased implementation, the Institute calls your attention to a Louisiana Wildlife and Fisheries Commission News Release date August 7, 1973 concerning a fish kill in Henderson Lake and the Corps of Engineers opening of the Bayou Courtableau floodgates to alleviate the low oxygen problem. Such operation along with various studies on water management units by Coastal Environments, Inc. are far greater evidence of feasibility than exists for the Avoca Island Levee extensions. Also, long term flood capacity would be benefitted by the water management units. The Institute does not consider such units as entirely separable features and supports construction of all units concurrently with other project features. The Institute also supports immediate construction of the Courtableau and Sherburne Freshwater Diversion Structures.

Thank you for the opportunity to comment on this document.

Sincerely,

*Murray T. Walton*  
Murray T. Walton  
Southcentral Representative

RESPONSE 24.4: According to US Army Corps of Engineers' policy, mitigation for past project damages generally is not accomplished. The real estate plan, by providing a comprehensive multipurpose easement, would preserve most areas of forest that would be lost without this project.

RESPONSE 24.5: Sufficient evidence of feasibility does not exist for recommending construction of all management units concurrently with other project features. Such units would not contribute significantly to long-term flood capacity.

# WILDLIFE MANAGEMENT INSTITUTE

Dedicated to Wildlife Restoration  
WIRE BUILDING, WASHINGTON, D. C. 20005

## TENTATIVELY SELECTED PLAN

### FOR THE ATCHAFALAYA BASIN

#### PUBLIC MEETING

NEW ORLEANS, LOUISIANA - July 22, 1981

I am Murray Walton of Dripping Springs, Texas appearing here in my capacity as Southcentral Field Representative of the Wildlife Management Institute. The Institute's program, initiated in 1911, is devoted to the restoration and improved management of wildlife and other renewable natural resources.

The progress of plans for the Atchafalaya Basin has been followed for a number of years. The Institute notes considerable improvement over the preliminary draft EIS of November, 1974 and some significant changes since the 1979 public meetings (at which the Institute supported Alternative Plan D) and we compliment the Corps of Engineers and other interested parties for such progress. However, there is still need for changes in the "Tentatively Selected Plan" (TSP) if flood protection and natural resources conservation consistent with the Congressional Resolutions of 1972 (Senate Public Affairs Committee Resolution No. 1 and House Resolution 2 of 1972 concerning the Atchafalaya Basin and Wildlife Conservation at Water Resources Projects of the Secretary of the Army (33U.S.C.540) are to be provided in a timely manner.

Page 19 of the Draft Main Report on the Atchafalaya Basin Floodway System Louisiana (22 June 1981) raises considerable concern in regard to the schedule for implementing various project features as does the TSP proposal for constructing only two (2) of the water management units. Although the urgency of providing adequate flood control is thoroughly recognized, there is a clear nexus between the long term adequacy of the project for flood control purposes and construction of water management units and allied sediment control features. Operation of existing structures to abate a fish

RESPONSE 24.6: Comment noted.

RESPONSE 24.7: See Responses 24.5 and 12.16.



24.7 kill in Henderson Lake during August, 1973 amply demonstrated the benefits of water management units. Furthermore, the aforementioned Congressional Resolutions are a mandate to address the flood control, fish and wildlife conservation, and recreation issues in a comprehensive manner, i.e. simultaneous implementation. Prompt action is needed on all these matters.

24.8 While a quick fix may be in order, in the haste to provide short term flood protection, long term liabilities should not be unnecessarily created. The Avoca Island Levee extension as advocated in the TSP is such a situation. For approximately the same cost, a ring levee system which provides additional headwater and storm tide flood protection to developed areas while virtually avoiding wetland losses can be constructed.

J-131 The U.S. Fish and Wildlife Service and Environmental Protection Agency comments of June 4, 1981 and June 19, 1981 respectively are especially germane on this issue. Also, we do not favor reducing flows at the Old River Control structures to reduce stages during May and June at Acme thereby encouraging encroachment of development into natural flood storage areas and wetlands. Such development if allowed would compound flood control problems.

24.9 The most controversial issue at the 1979 hearings - real estate - has undergone considerable permutations. Governor Treen put forth a plan which the Institute has endorsed as a viable compromise. Subsequently, various major landowners in the Atchafalaya Basin via the Louisiana Landowners Association have come forward with an alternative proposal. The Institute is not insensitive to the wishes of landowners. It is our understanding that the proposal provides for partial donation and sale of 90,000 acres to the State of Louisiana and federal acquisition of habitat protection easements on the remaining acreage in the lower Basin. However, we have not had an opportunity to study the proposal in any detail and therefore reserve final judgement on what appears at this time to also be a reasonable compromise. Regardless of which

RESPONSE 24.8: Neither the immediate implementation of the Avoca Island levee extension nor reducing flows into the Atchafalaya River at the Old River control structure are a part of the final Recommended Plan. It is not correct, however, that a ring levee system would "virtually avoid wetland losses" and would protect all developed areas in the backwater area. Several thousand acres of cypress-tupelo or bottomland hardwood forests would be destroyed in building a system of ring levees and numerous houses would be left unprotected if ring levees were built.

RESPONSE 24.9: The compromise discussed in the statement has been included in the real estate features of the final Recommended Plan.

24.1 real estate proposal or combination thereof is adopted, it should be implemented concurrently with all other project features.

Thank you for the opportunity to appear at this hearing.

Sincerely,



Murray T. Walton  
Southcentral Representative

August 2, 1981

Colonel Thomas Sands  
Corps of Engineers, V.O. District  
P.O. Box 60267  
New Orleans, La. 70160

Dear Colonel Sands;

The following is in response to the Atchafalaya  
Basin, Tentatively Selected Plan.

I am in favor of maintaining the 30-70  
distribution of Mississippi River water.

RESPONSE 25.1: Comment noted.

I am in favor of the Avoca Second  
lease extension as far as it needs to  
go in order to do the intended flood  
protection.

25.1

I am in favor of flood control as  
a single entity and not tied in  
with other projects which lessen flood  
protection in exchange for placating the  
environmental outsiders who want to  
save the Basin. As you know the  
Basin will change and has changed.  
None can alter this fact in part  
but cannot do what is being asked.

in regard to keeping the Basin wet & wild.

25.1

J-134

I am a soybean and corn farmer. I lease and own land in the Basin. I want to protect my interests and my investment. I want to be able to control my operation to the greatest extent possible and thereby protect it from adverse outside interests. I think that the property rights guaranteed by the Constitution are <sup>not</sup> in the Basin and are not to be construed as different from the Red River Basin or the Mermentau Basin or the Bayou Cassaro watershed. I would grant an easement to the government for flood control if it were presented in the same language as the easements contained in documents covering the 154,000 acres in the West Atchafalaya Floodway. I am against any easements for the restriction of building, clearing or for public access pushed upon unwilling land owners & their tenants.

25.2

I am against the Courtableau Freshwater inlet and subsequent channel to Lake Deakerson. The reason is simple. you intend to keep water against my farmland levees and make it difficult for me

RESPONSE 25.2: The freshwater inlet in the Courtableau area would not keep water against farmland levees for any longer period than it remains there today.

25.2

to earn my living. I don't intend to leave this land. If all other efforts to stop this atrocity to the environment fails I shall convert my farming operation to rice and use the water to my advantage.

25.3

Some years ago the EPA & FWS stopped my neighbor from adding insurance to his land purchases by building a levee to 21 ft elevation. Where are these people now when you are going to excavate 6 million cubic feet of spoil in the same area and add 1 to 9 feet of silt for the 50 year life of the project? They sold out for other promises. The additional water in the Henderson area will be your own

25.4

Environmental Impact Statement be detrimental to the hardwood forest that are talked about in reverent terms by the people who want no more land clearing in the Basin. They are lovingly mentioned by all the kinds of people put up by the Sierra Club and the Audubon Society. Even the amount of organic water carried material flowing downstream from this area will be reduced as well as the organisms & creatures which use this for food.

I am against all concepts contained

RESPONSE 25.3: Comment noted.

RESPONSE 25.4: Management units would be designed to try to maintain the existing water regime as closely as possible. They would not be operated to make the Henderson area or any other area of the floodway wetter than at present.

25.4

in the management units. The landowners in the Henderson Area are managing their own by using the free enterprise system which seems to have worked well in the 12 years I have been on this farm. We have game that we never had before. All game law violators are asked to leave and are kept out by positive action. The management unit concept is the biggest bureaucratic money spending, bonedoggle of them all and will if implemented and budgeted for all to see ~~will~~ be noted by the current Administration in Washington and by the State Legislature as costing too much.

25.5

I am against the destruction of the clearing of woodlands for agriculture. There is not that much land suitable for farming in the basin. I take issue with your map and your figures. No farmers were contacted and no land owners were contacted as to their intention to clear and farm. It is all pure speculation. As far as a farmer borrowing money at 16% interest to make a crop beyond out of 10 as your figure state is pure malarky. I farm 180 acres at 15 ft elevation and you can believe me it is marginal at best. The farmers in the area feel that we

RESPONSE 25.5: The US Army Corps of Engineers' estimates of land clearing were developed based upon what has historically happened in areas such as the West Atchafalaya Floodway. As the lower floodway becomes drier in the future, land that today is too wet to farm will no longer be excessively wet. It is true that land located in the Henderson area at an elevation of 15 feet would today be marginal for farming. Such would not be the case in the future. It is agreed that food production in bottomland areas is a valid way to use land; but it is also important that forest, wildlife, and fishery resources, which are dependent on the preservation of natural areas, be available in the future.

25.5

J-137

were cheated by the Agency Management Group since the provision of not to clear land was not properly brought forward for our input and suggestion and we uphold the resolution passed by the Louisiana Farm Bureau Federation concerning this matter. President Regan has appointed a study group to look into the loss of farmland by urbanization and this matter will get increased attention in the coming months. One way to offset this loss is to clear more land. It becomes imperative in a time of exploding world population that we use food as the Arabs use oil. Also where will our sons & daughters go to get land to enter into the farming profession. It is simply not available except in river bottoms that are geo-logically young as in the case of the Atchafalaya Basin.

25.6

I am against the state plan to acquire greenbelts for public access. This is not workable because of the liability angle and the fact that game protection would be impossible.

25.7

I am against the taking of private land by expropriation or easements

RESPONSE 25.6: This feature has been eliminated from the final Recommended Plan.

RESPONSE 25.7: The final Recommended Plan contains provisions for acquiring practically all public access recreational lands through donation or from willing sellers.



25.7

for public recreation. Let the land come from donations or the purchase from willing seller. The state owns land in the basin and until that is utilized by the general public in excess I see no need to add to this base. We may find ourselves in the position of the Department of Interior where we have more than we can properly safeguard in terms of land, buildings and personal safety.

25.8

I closing I want to thank the Corps of Engineers for getting us past the 1973 flood and the high water of 1975. Too few people realize that 56% of the flood flow passed down the Atchafalaya River due to the partial failure of the Old River Control Structure. We that live along the river realize how close we come to having our levee overtopped. To the environmentalist groups that were opposed to the 100,000 square foot channel we now have it due strictly to nature's cause. And we also have the silt and the loss of trees and wildlife. So the Basin Change.

Sincerely,  
Donald S. Larkin Jr.

RESPONSE 25.8: Comment noted.

716 Parkhurst  
Dallas, TX 75218  
August 19, 1981

Atchafalaya Basin Hearing LMNPD-C  
US Army Corps of Engineers  
New Orleans District  
PO Box 60267  
New Orleans, La 70160

Dear Sirs:

Please enter my statement  
in the Atchafalaya Environmental  
Impact Statement. It is  
postmarked prior to August 24,  
1981.

My apologies for not having  
this typewritten, but my typist  
is on vacation.

Sincerely,

B.W. Hallmon

Copy - USFWS

Statement of B.W. Hallman, Chairman,  
Atchafalaya Bayou Confederacy

26.1 The Atchafalaya Bayou Confederacy (A.B.C.) is a new organization, formed to, "Promote the appreciation and preservation of the natural and cultural heritage of the Atchafalaya Basin of Louisiana." The primary goal of the ABC is to establish a 590,000 acre national preserve. ABC believes that the Atchafalaya is a great national area, of equal merit with Yellowstone, Smoky Mountains, Yosemite, Everglades, Grand Canyon, etc. and it should be given equal merit and protection.

The Corps of Engineers should take steps to preserve the Atchafalaya Basin in a natural condition until such time as it can be acquired in fee for a national preserve. To this regard, ABC supports the US Fish & Wildlife Service Critique of June 4, 1981. ABC believes that the Corps should adopt the USFWS positions on the Tentatively Selected Plan.

26.2 1. Distribution of Flows Through the Old River Control Structure: Keep the flow for Atchafalaya above 30%.

RESPONSE 26.1: Implementation of the Recommended Plan should result in the preservation of the lower floodway in a natural condition.

RESPONSE 26.2: The Recommended Plan calls for maintaining the existing 70/30-percent flow distribution at Old River.

(Page 2)

- 26.3 2. Training Works Along Main Channel and Outlets = Do not construct training works between river mile 53 and 116, including below Morgan City or Wax Lake Outlet.
- 26.4 3. Sediment Control = Further examine the feasibility of implementing sediment traps.
- 26.5 4. Increasing Flow Capacity of the Outlets = Increase the sediment flow through Wax Lake Outlet.
- 26.6 5. Reducing Backwater Flood Damages East of the Floodway - Construct ring levees around individual communities; Do not construct an Avoca Island Levee.
- 26.7 6. Water Management Concept for the Floodway = Strive to maintain the 1972 Environmental Conditions in the Basin by authorizing 11 management units and 2 subunits.
- 26.8 7. Land Use Controls within the Floodway = Purchase, in fee title, all of the 443,000 acres of privately-owned lands in the floodway.

RESPONSE 26.3: Some minor bank maintenance may become necessary between river miles 53.0 and 116.0 in order to keep the river in its present course. Training works below Morgan City are needed to bring about enlargement of the Lower Atchafalaya River to improve its flow capacity.

RESPONSE 26.4: Sediment traps are feasible, but use of them would cause destruction of 3,000 acres of bottomland hardwood forest.

RESPONSE 26.5: See Response 9.5.

RESPONSE 26.6: See Responses 9.6 through 9.16.

RESPONSE 26.7: See Responses 9.17 and 9.18.

RESPONSE 26.8: Such purchase is not needed for either flood control or environmental protection. Both can be accomplished through acquisition of easements.

(Page 3)

26.9 | 8. Management Entity: Establish  
a joint State/Federal oversight  
board.

In addition to the Tentatively  
Selected Plan, there are other  
considerations and points of concern.

26.10 | 1. Simultaneous Implementation:  
The Corps should develop and recommend  
to the Congress for funding and  
simultaneous implementation, a  
single plan.

26.11 | 2. Future-Without Project Condition:  
The Corps should define the true  
future-without project condition.

26.12 | 3. Period of Analysis of Project  
Impacts: The Corps should produce  
quantitative data to support a  
100-year life project.

26.13 | 4. Responsibility for Operation  
and Maintenance: The federal  
government should operate and  
maintain the Atchafalaya Basin  
over the state.

26.14 | 5. Real Estate Management  
Permit Program: The Corps should  
clarify its proposed real estate

RESPONSE 26.9: See Response 9.20.

RESPONSE 26.10: See Response 9.21.

RESPONSE 26.11: See Response 9.21.

RESPONSE 26.12: See Response 9.22.

RESPONSE 26.13: See Response 9.23.

RESPONSE 26.14: See Response 9.24.

(Page 4)

26.14 management permit program.

6. Assessments of Acceptability.

26.15 The Corps should not subjectively predetermine public opinion because ~~it leads~~ this leads opinion.

7. Maximizing Natural Delta

26.16 Formation = Mechanisms should be developed to ~~maximize~~ maximize delta formation.

8. Effectiveness of Section 404

26.17 Permitting in Preserving Natural Habitat; Section 404 will not suffice for protection; We must have fee acquisition.

9. Benefit / Cost Separation of Recreation Facilities and Land

26.18 Use Controls = The benefit/cost of recreation facilities and land use controls should be combined.

RESPONSE 26.15: See Response 9.25.

RESPONSE 26.16: See Response 9.26.

RESPONSE 26.17: See Response 9.27.

RESPONSE 26.18: See Response 9.28.

B. W. Hallmon,  
Chairman, Atchafalaya  
Bayou Confederacy  
216 Parkhurst  
Dallas, TX 75218

J-143

## Section 3 - TYPICAL COMMENTS FROM SPECIAL INTERESTS AND INDIVIDUALS

J.3.1. More than 4,200 individuals and people representing organizations responded to the draft report either verbally or in writing and contributed about 9,500 comments. Remarks encompassed all the features of the plan and expressed views ranging from strong support to vehement opposition. A broad cross section of special interests were represented and included the following:

- Environmental Organizations
- Individual Environmentalists
- Individual Landowners
- Louisiana Landowners Association
- Hunters
- Sport Fishermen
- Commercial Fishermen
- Agricultural Interests
- Oil and Gas Interests
- Outdoor Recreationist
- Navigation Interests
- Public Officials
- Academic Community
- Small Business
- Other.

The letters exhibited on the following pages have been chosen as representative of the comments received.





# CITY OF NEW ORLEANS

OFFICE OF THE MAYOR

ERNEST N. MORIAL  
MAYOR

July 22, 1981

Col. Thomas E. Sands  
New Orleans District Engineers  
Corps of Engineers  
P. O. Box 60267  
New Orleans, La. 70160

Dear Col. Sands:

As you are well aware, the Atchafalaya Basin is an extremely complex and important area to New Orleans and all of South Louisiana. As such, the decisions that must still be made concerning the Basin's Management Plan and the future of the Basin itself should address the basic needs and long-range goals of the entire area. Of particular importance to New Orleans is the assurance of adequate flood protection, preservation and enhancement of our seafood industry, and the availability of recreational opportunities.

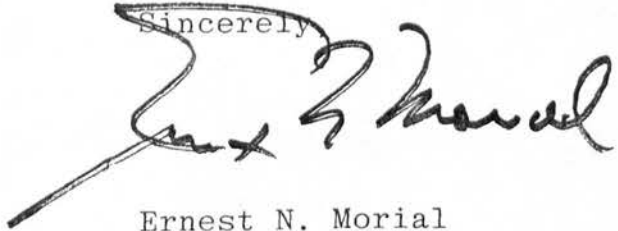
In order to accomplish these goals, the City endorses the following concepts:

- The development of management units, as recommended by the U.S. Fish and Wildlife Service, to restore historic water flow patterns as nearly as possible. This will assure maximum productivity of the Basin in support of our seafood industry.
- The approval of Governor Treen's real estate proposal, one that insures both public access and protection against land clearing. This provision is necessary to assure that the availability and capacity of the Atchafalaya Basin as a Floodway is not endangered. It also serves to enhance recreational opportunities in the Basin.
- The continued 70%-30% distribution of the flow of the Mississippi River into the lower Mississippi and Atchafalaya Rivers. This will insure that the present navigability of the River is maintained.

We feel that these concepts are of vital importance to the City of New Orleans and we urge you to include them in your final management plan.

Thank you very much for the opportunity to express the City's interest in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ernest N. Morial". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Ernest N. Morial

ENM:PB:vc

Rt. 5 Box 695  
Winnsboro, LA 71295  
July 27, 1981

Colonel Thomas A. Sands  
Dept. of the Army  
Corps of Engineers  
P. O. Box 60267  
New Orleans, LA 70113

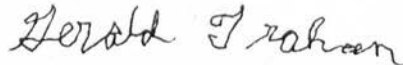
Dear Colonel Sands:

I favor the Louisiana Landowners Association proposal  
for the Atchafalaya Basin.

The floodway was developed to save the lives and property  
of millions of people during the annual high water periods of the  
Mississippi River systems. The landowners have been very generous  
and would like to see the proper dredging done to keep the flow of water  
in the Basin.

Let it be known for public record, I am not in favor of federal  
or state acquisition, unless it is approved by the Louisiana Landowners  
Association.

Sincerely,

A handwritten signature in cursive script that reads "Gerald Trahan".

Gerald Trahan

U.S. Army Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

To Whom It May Concern:

I am a sportsman and environmentalist and as such am interested in the outcome of the Atchafalaya Basin.

Please let this letter be a part of the official record that I am in favor of the following:

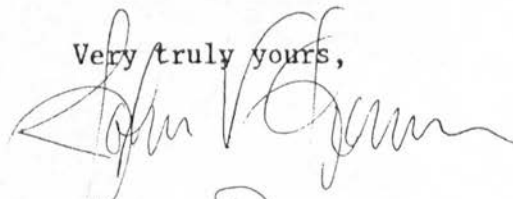
- ° A full implementation of a multi-purpose plan which will address flood control, habitat preservation and timber management.
- ° Governor Treen's Real Estate Plan as a minimum toward Basin preservation.

Please let it also be a part of the record that I oppose:

- ° Channelization, limiting flows of water into the Basin and unnecessary levee construction if implemented without regard to the points mentioned in the multi-purpose plan above
- ° Clear cutting of trees for soybeans.
- ° The Avoca Island Levee.

The Atchafalaya Basin is an important and wonderful part of the state of Louisiana. Please help the people of the state keep the Basin wet and wild. If we lose the Atchafalaya Basin, we'll no longer be able to call our state the "Sportsmen's Paradise."

Very truly yours,



1217 Briarrose Dr

J-149

Eaton Rouge, La 70810

Mrs. O. J. Keller Jr.  
1150 Peachtree Battle Ave.  
Atlanta, Ga. 1981  
Aug 2

Colonel Thomas A. Sands, C.E.  
Commander and District Engineer  
New Orleans District Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Sir:

This statement is submitted to be included in the record of public hearings held July 14th through the 22nd on the Tentatively Selected Plan for the Atchafalaya Basin.

I am one of the 64 Stockholders of the St. Landry Land and Lumber Company, which owns approximately 15,000 acres in the Basin. My Company has owned this property since 1909, and has developed various parts of it to its best uses. These uses include over 600 acres of planted cottonwoods, about 2,000 acres of farming ground and the balance in mixed hardwoods and swamp. Our timber is under professional forestry management, directed at sustained yields. Hunting and fishing rights are in the hands of a local club under whose enlightened management the wildlife population has flourished. Our lands provide a substantial share of much needed wet lands. All operations on our lands are closely attuned to the existing water levels and the currently experienced annual floods and backwaters.

I support all flood protection aspects of your Tentatively Selected Plan, but strongly object to the establishment of a water management unit in the Lake Henderson Area, and to the establishment of public access on 300 feet either side of streamlines. These provisions would be very detrimental to all of our programs. They would substantially reduce the effective timber acreage and the prime wildlife habitat; in addition they would render the farming uneconomic and the hunting unsafe.

Very truly yours,

Joan D. Keller

July 23, 1981

Col. Thomas A. Sands  
Commander & District Engineer  
New Orleans District  
Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

RE: Atchafalaya Basin

Dear Col. Sands:

With all due respect to the Corps Tentatively Selected Plan for the Atchafalaya Basin, it is in my interest to ask that the Corps please consider leaving the present 70/30 flow of water at the Old River Structure as is. Lowering the flow during the months of May, June, and July could directly affect the survival of the remaining wetlands in my area. Please hear my plea and consider at any rate, the esthetic value of the remaining woodland and wildlife habitat that is held dear to the people in my area.

Thanking you in advance for your consideration and cooperation,  
I am,

Yours Respectfully,

*Larry R. Ruman*  
*721 S. Washington St.*  
*Marksville La.*

Kerry V. Bellet  
P.O. Box 38  
Moringauin, La 70757

ATCHAFALAYA HEARING  
US. ARMY CORP OF ENGINEERS  
NEW ORLEANS DISTRICT  
P.O. BOX 60267  
NEW ORLEANS, LA. 70160

Dear Sir:

I am for flood control and habitat protection  
in a complete multi-purpose plan for the Atchafalaya  
Basin to keep it wet and wild.

I am against clear-cutting of trees for soybeans.

I am against that portion of the Tree Plan  
which calls for forcing owners to give up 300' strips  
of land called GREENBELTS.

I am for fresh water structures only if  
provisions for controlling sediment-laden waters  
or removing sediment is provided for.

Yours Truly,  
Kerry V. Bellet



July 23, 1981

Col. Thomas A. Sands  
Commander & District Engineer  
New Orleans District  
Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

RE: Atchafalaya Basin

Dear Col. Sands:

With all due respect to the Corps Tentatively Selected Plan for the Atchafalaya Basin, it is in my interest to ask that the Corps please consider leaving the present 70/30 flow of water at the Old River Structure as is. Lowering the flow during the months of May, June, and July could directly affect the survival of the remaining wetlands in my area. Please hear my plea and consider at any rate, the esthetic value of the remaining woodland and wildlife habitat that is held dear to the people in my area.

Thanking you in advance for your consideration and cooperation,  
I am,

Yours Respectfully,

Tracy Johnson  
RT # 1 / Box 40  
Marksville LA.

71351

Col. Thomas A. Sands  
Commander and District Engineer  
New Orleans District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Col Sands,

I fully support the proposed flood control portion of the plan for the Atchafalaya Basin.

I oppose the real estate portion of the plan for the Atchafalaya Basin because it seeks to take private land by expropriation for recreational purposes. I think the land should be acquired only by purchase from willing sellers.

Please accept this as my statement to be included in the public record.

Linn A. Jensen  
(signed)  
Route 1 Box 116  
Address  
Emergreen La  
City State Zip  
71333

U.S. Army Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

Dear Sirs:

The Atchafalaya Basin today is truly a Sportsman's Paradise. It is currently in the Corps of Engineers hands to see to it that a comprehensive plan be assembled in order that the Basin remain wet and wild. I strongly believe that for the Basin to remain as it is today, a plan must be implemented which addresses water management, wildlife and fish habitat preservation and timber management. Upon recommending a plan for the Basin, the above items are absolute musts! Please help us keep the Basin.

Very truly yours,

*Carly L. Fisher*  
*10307 W. Winston Dr.*  
*Baton Rouge La.*  
*70809*

U.S. Army Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

To Whom It May Concern:

Please help me and my fellow citizens of the state of Louisiana in our effort to keep the Atchafalaya Basin wet and wild. In order to accomplish this, a plan must be implemented which includes all of the following:

- a water management program
- habitat preservation
- timber management

It is of the utmost importance that the plan implemented include all of these areas of emphasis, for without all of them, the Basin will surely die.

Truly yours,

Lavonda D. Sherwood  
Rt. 5 Box 4191  
Denham Springs, La. 70726

511 Buchanan Street  
St. Martinville, Louisiana  
July 25, 1981

Col. Thomas A. Sands  
Commander and District Engineer  
New Orleans District, Corps of Engineer  
P. O. Box 60267  
New Orleans, Louisiana 70160

Dear Col. Sands:

Along with this note I am sending (138) signed Statements of persons interested in the future of the Atchafalaya Basin. I would appreciate you making all of them of Public record.

I am a great Grandmother, 77 years of age whose father and mother left, as their inheritance to their children, 500 plus acres of woodland in the Atchafalaya Basin. It is impossible for me to make the different meetings being held on this issue to voice my opinion, but I was able to contact people seeking their feelings on what is about to happen if we sit by and ignore such an important issue. If this take over can happen to us land owners in the Basin, the same can happen to others whether they own land in the Basin or not. These few signed statements I am sending in to you is just a drop in the bucket to what I could have signed up if I had had 500 to 600 more of these unsigned statements available to me.

Please accept this letter as my statement to be included in the Public Record that I fully support the proposed flood control portion of the plan for the Atchafalaya Basin but I oppose the Real Estate portion of the plan for the Atchafalaya Basin because it seeks to take over private land by expropriation for recreational purposes. I think the land should be acquired only by purchase from willing sellers.

Thanking you for letting me express my opinion. I am,

Sincerely,

*Mrs. A. P. Theriot*

Mrs. A. P. Theriot  
511 Buchanan Street  
St. Martinville, Louisiana 70582

Col. Thomas A. Sands  
Commander and District Engineer  
New Orleans District, Corps of Engineers  
Post Office Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands,

I fully support the proposed flood control  
portion of the plan for the Atchafalaya Basin.

I oppose the real estate portion of the plan  
for the Atchafalaya Basin because it seeks to take private  
land by expropriation for recreational purposes. I think the  
land should be acquired only by purchase from willing sellers.

Please accept this as my statement to be in-  
cluded in the public record.

Charles E. Schuring Jr  
(Signed)

P.O. Box 547  
Address

Blaquemine, La 70764  
City State Zip

Col. Thomas A. Sands  
Commander and District Engineer  
New Orleans District, Corps of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Col. Sands,

Lets be realistic, I oppose the Green Belts,  
I favor the flood control plans,  
I favor the proposals on clear cutting,  
I favor purchase of any land the land owner  
wants to sell.

Please accept this as my statement to be included in the public  
record.

Randy Poccards  
signed  
101 Betty Ave  
address  
Laplace La 70068  
City State Zip



Include in Basin Hearing

7/14/81

Army Corp. of Eng. New Orleans Dist.

P.O. Box 60269

N.O. La. 70160

Atten: Col. Sands

Col. Sands:

As a concerned citizen of Louisiana, I want to make it known that I support Governor Treens plan for the Basin.

I believe the Basin should be open for both the use of Sportsmen and Nature enthusiasts.

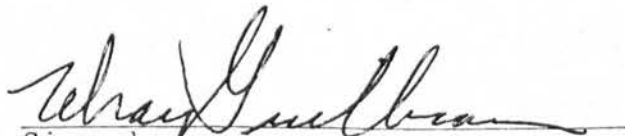
Signed, R. Reed Browning  
16524 ALford Dr.  
Greenwell SPS 3. LA 70739

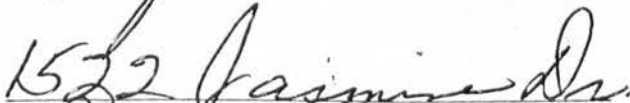
I frequently fish lower Bayou Courtableau. It is a beautiful stream that is clear and fishable 365 days a year, and is utilized by many sportsmen when other streams are high and muddy.

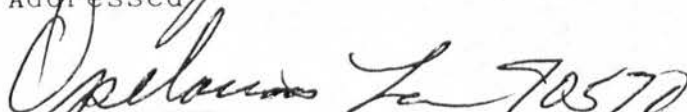
I am opposed to opening it to muddy Atchafalaya River water as an inlet for for the Henderson Management Area.

I suggest that Indian Bayou, three miles south of Bayou Courtableau be used as the freshwater inlet for Lake Henderson.

I also oppose the proposed Green Belt.

  
Signed

  
Addressed

  
City, State, Zip

July 13, 1981

Colonel Thomas A. Sands  
Commander and District Engineer  
United States Corp of Engineers  
P.O. Box 60267  
New Orleans, Louisiana 70160

Dear Colonel Sands:

We are in opposition to your proposed plan dated June 16, 1981, for the Atchafalaya Basin. We do not feel that it is necessary to take over the Basin through your multipurpose easements in order to provide flood control which the Corp of Engineers is responsible for. We believe that our tax dollars would be better spent by the Corp accomplishing its purpose of flood control and leaving the private land owners with their rights in the Basin which they have bought and paid for and sweated to keep through the years. The implementation of the Corp's plan would effectively destroy private hunting leases in the Basin and thereby destroy the private hunting clubs.

Respectfully submitted,

Thomas Beeson  
P.O. Box 94  
Houma, La. 70361

July 21, 1981

Colonel Thomas A. Sands  
New Orleans District  
Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

We, the undersigned, wish to express our views on the following sections of the Tentatively Selected Plan for the Atchafalaya Basin.

We favor simultaneous funding and implementation of the flood control and habitat protection features of the plan.

We support full funding and implementation of all thirteen (13) management units.

We support Governor Treen's real estate proposal as a minimally acceptable compromise.

We oppose construction of the Avoca Island Levee below Morgan City. At a time when Louisiana is losing marshland at the rate of forty square miles a year, we cannot understand how the Corps can propose a structure which will cause the loss of thousands of acres of marsh, swamp and bottomland in Terrebonne Parish. We support the concept of ring levees as a more effective alternative to Avoca Island.

We support the continued 70%/30% flow distribution between the Mississippi and Atchafalaya at the Old River control structure, and we strenuously oppose any proposal to allow for a reduction in the Atchafalaya flow during the months of May, June, and July. If there is any flexibility at all, it should be for an increase of flow during dry periods. We'll take crawfish over soybeans any day of the week.

We support realignment of the major distribution channels and also ask that sediment traps be included in the Final Plan. We favor a design for Wax Lake Outlet and the lower Atchafalaya Basin which would encourage delta building.

We support a multi-disciplinary planning group to assure adherence to and effective implementation of a multi-purpose project. In line with this we support the continuing involvement

F. A. BALL  
1748 WILLOW POINT DR.  
SHREVEPORT, LA. 71119

Colonel Thomas A. Sands  
July 21, 1981  
Page 2

and participation of the U.S. Fish and Wildlife Service, the Environment Protection Agency and appropriate state agencies in the continued management of the Basin.

In short, we view the Atchafalaya Basin as a vital economic resource and a unique natural treasure, and we urge the Corps to take all steps necessary to insure its continued existence in its present state.

*Cordially*  
*J. A. Ball*  
*Mary G. Ball*

F. A. BALL  
1748 WILLOW POINT DR.  
SHREVEPORT, LA. 71119

J-164

DATE 7-24-81

Colonel Thomas A. Sands  
Commander and District Engineer  
Department of the Army  
New Orleans District Corps of Engineers  
P. O. Box 60267  
New Orleans, LA 70160

Dear Sir:

I am writing as a concerned citizen regarding the expropriation of land in the Atchafalaya Basin, or any other properties, belong to a private American citizen of the United State of American and/or any company or corporation.

I want to go on record as being opposed to the so called "Green Belt" and the expropriation of any property under the disguise of "Saving the Basin".

Sincerely,

William L. Appleby  
P O Box 575  
Walker, La. 70785

July 31, 1981

U.S. Army Corps of Engineers  
New Orleans District  
P.O. Box 60267  
New Orleans, LA 70160

Gentlemen:

Please accept this statement, and record our opposition to the proposed establishment of 300 foot public green belts paralleling navigable waterways in the Basin.

We would not be opposed to public use of the waterway per se (bank to bank at the waterline) during navigable periods such as during annual flood cycles.

Opposed

Address

- ① Lisa A. Reaux
- ② W.C. Dufan
- ③ Florence Lasserre
- ④ Denise Kahn
- ⑤ Janelle Lasserre
- ⑥ M. Lasserre
- ⑦ Darroyl M. Kahn

1625 Chevelle Dr B.R. La  
Rt 2 Box 78 Livingston  
8774 Hill Dr., B.R. La.  
3484 Cedarcrest, B.R. La.  
8774 Hill Dr. B.R. La  
70809  
8774 Hill Dr. B.R. La 70809  
13869 Florida Blvd



7-30-81

U.S. Army Engineer District  
P.O. Box 60267  
New Orleans, La.

Dear Sir,

I have reviewed the " Tentatively  
Selected Plan" for the Atchafalaya  
Basin. I think its a good plan  
for Flood Protection on our livelihood  
as Commercial fisherman can be  
extended for many more years.

Your friend a Commercial  
fisherman,

Ray J. L. Blanc Sr.

Rt 2 Box 352

Pierre Part, La. 70339

Terry Anslum  
1414 2nd St.  
Merion City, La.  
70380

To Whom it may concern  
my name is Terry Anslum.  
I am a commercial fisherman, my  
main concern is my living,  
like many other people, I'm  
for leaving the Atchafalaya  
basin as it is. I'm against  
any body taking any land  
belonging to any body else

Terry Anslum  
I'm against you  
changing the basin

McCOLLISTER, MCCLEARY, FAZIO, MIXON, HOLLIDAY & HICKS  
ATTORNEYS AT LAW

P.O. BOX 2706  
SUITE 1800 - ONE AMERICAN PLACE  
BATON ROUGE, LOUISIANA 70821  
(504) 387-5961

July 31, 1981

ROLFE H. McCOLLISTER  
M. AUBREY McCLEARY, JR.  
SIDNEY D. FAZIO  
NEIL H. MIXON, JR.  
JAMES S. HOLLIDAY, JR.  
FREDERICK KROENKE, JR.  
DAVID IRVIN COUMILLION  
LL.M. IN TAXATION  
STEVE E. HICKS  
MICHAEL S. WOLF  
C. STOKES McCONNELL, JR.  
WILLIAM C. SHOCKEY  
STEVEN Y. LANDRY  
RICK J. NORMAN  
DOWELL R. FONTENOT  
CHRISTINE M. YOUNGS  
JOHN F. ALES  
LL.M. IN TAXATION  
CHARLES W. SARTAIN

OF COUNSEL  
MARK F. SELVIDGE  
1415 First National Center  
Oklahoma City, Oklahoma 73102  
OKLAHOMA BAR ONLY

Department of the Army  
New Orleans District, Corps of  
Engineers  
Post Office Box 60257  
New Orleans, Louisiana 70160

Re: Atchafalaya Basin

Gentlemen:

I am writing this letter as a concerned citizen of Louisiana to urge you to adopt a multi-purpose plan for the Atchafalaya Basin which will address the issues of recreational use and environmental protection as well as flood control. It is imperative that the entire program be considered as a single package in order that money be obtained from the U.S. Congress and the State of Louisiana for all the uses for which the basin may be used.

I speak especially as an environmentalist in asking you to consider the environmental impact of the Avoca levee extension and the resulting diminution of the Cypress-Tupelo stands and marshland in Terrebonne Parish. Also, the cost of this project as compared to the profit to be received makes it an unnecessary and even foolish undertaking.

Flood control is not and must not be the only consideration in the course planned for the Atchafalaya Basin. You must also consider the importance of maintaining the wild nature of the habitat so that we do not lose one of our most valuable natural resources.

Very truly yours



Charles W. Sartain

CWS/kec

**DAVID S. FOSTER III**

A PROFESSIONAL LAW CORPORATION  
THE OFFSHORE LOGISTICS BUILDING  
SUITE 101

900 EAST UNIVERSITY AVENUE  
LAFAYETTE, LOUISIANA  
70505

MAILING ADDRESS:  
POST OFFICE DRAWER 52389  
PHONE: 318-232-9313

DAVID S. FOSTER III  
PAULA CORLEY MARX

July 30, 1981

Colonel Thomas A. Sands  
Dept. of the Army  
N. O. District, Corps of Engineers  
P. O. Box 60267  
New Orleans, LA 70160

RE: TENTATIVELY SELECTED PLAN FOR THE ATCHAFALAYA BASIN

Dear Colonel Sands:

This office has been retained by Mrs. Jane Aprill to express her view in support of the Louisiana Landowners Position of the 'Tentatively Selected Plan' for the Atchafalaya Basin. Mrs. Aprill is a private landowner in the Basin and is keenly interested in preserving her rights, and in protecting her mineral interests associated therewith.

Mrs. Aprill is willing to cooperate in the conservation, recreation and flood protection programs which have been proposed by various groups, but is of the opinion that the land necessary for these programs must be acquired from people who are willing to sell or lease that land.

Further, Mrs. Aprill has agreed to support a habitat protection easement over the entire basin in an effort to prohibit the conversion of any land from timber to agriculture unless it could be shown to serve the public interest.

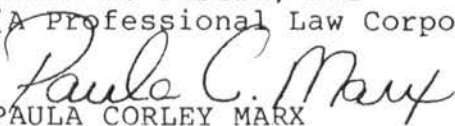
Mrs. Aprill is against the public access plan proposed by Governor Treen because it unjustly condemns private land, subjects landowners to increased liability and puts the state in control of access to greater lands than the owners would be compensated for.

Colonel Thomas A. Sands  
Dept. of the Army  
N. O. District, Corps of Engineers  
P. O. Box 60287  
New Orleans, LA 70160

In conclusion, Mrs. Aprill stongly urges and requests that you consider and adopt the Louisiana Landowners' Position regarding the 'Tentatively Selected Plan' for the Atchafalaya Basin, in particular the provisions outlined above.

Sincerely,

DAVID S. FOSTER, III  
(A Professional Law Corporation)



PAULA CORLEY MARX  
Attorney at Law

PCM/kc

3004 Reagethon  
Houston Texas  
77005  
8-4-81

Colonel Thomas A. Sands  
Department of the Army  
New Orleans District, Corps of Engineers  
P. O. Box 60267  
New Orleans, Louisiana 70160

Re: Plan for Atchafalaya  
Basin, dated 6-16-81

Dear Colonel Sands,

I wish to submit my strong objection to the over-all "Greenbelt Plan". Basic flood control should continue, but the environmental factor should be eliminated.

Although we are not large landowners in the Atchafalaya area, the land we have has been in our family for more than a century. Furthermore, the U. S. Government plans to assume no liability and it is impossible for the landowners to obtain insurance of any kind.

I strongly urge  
reconsideration of these plans.

Thank you  
Marie Louise Bonchard Jacobson